

SOLAR POWER PROJECT BRIEFING PAPER
FOR THE OFFICE OF THE DEPARTMENT OF THE INTERIOR DEPUTY SECRETARY

State Office: California State Office

Serial Number: CACA 21590, CACA 52096, CACA 52616, CALA 30913, CARI 1280

Project Name: Abengoa Mojave Solar Project (AMSP) located on private land with five associated BLM connected action transmission rights-of-way

Field Offices and Counties involved: Barstow Field Office, San Bernardino County

The California Energy Commission (CEC): The CEC approved applicant's Application for Certification on 9/16/10

Other agencies part of the project and/or decision: Department of Energy (lead federal agency), Fish & Wildlife Service, California Energy Commission, and California Department of Fish & Game.

Summary of BLM Action

The private land solar project includes ancillary facilities that cross public land and require five BLM ROW authorizations for Southern California Edison (SCE) facilities.

- CACA 52616, a new ROW authorization for an above-ground fiber optic line,
- CACA 52096, an amendment to an existing ROW for a 34 kilovolt (kV) distribution line authorizing the additional use of a new fiber optic line,
- CACA 21596, an amendment to an existing ROW for a 115kV transmission line authorizing the additional use of a new fiber optic line,
- CALA 30913, the conversion of an existing, pre-Federal Land Policy and Management Act (FLPMA) ROW to a FLPMA ROW and authorizing the additional use of a new fiber optic line,
- CARI 1280, the conversion of an existing, pre-FLPMA ROW to a FLPMA ROW and authorizing the additional use of a new fiber optic line.

The proposed fiber optic system includes installation of new fiber optic communication cables between the Lockhart Substation and the Tortilla, Kramer, and Victor substations by means of stringing cable on existing transmission line poles and on seven replacement poles, constructing new interset poles, placing segments of cable in an existing underground conduit, and placing cable in a new underground conduit. The fiber optic cables provide diverse path routing of communications required for the AMSP interconnection and provide communications redundancy at the two AMSP power blocks.

Approximately 17 miles of the 85-mile proposed fiber optic telecommunication network crosses land managed by the BLM. The BLM is a cooperating NEPA agency, in accordance with a Memorandum of Understanding with the Department of Energy (DOE), signed in January 2010. DOE is considering a loan guarantee application to support construction of the project, and served as the federal NEPA lead agency.

Private Land Connected Action

Mojave Solar, LLC, solely owned by Abengoa Solar, Inc., plans to construct a 250 megawatt (MW) solar power plant on private land 25 miles northwest of Barstow, CA. The solar facility, licensed by the CEC on September 16, 2010, will cover 1,765 acres of predominantly fallow private agricultural land. The project will consist of two independently operable solar fields that will combine to generate 250 MW using parabolic trough technology. The proposed Lockhart Substation and interconnection to the adjacent Southern California Edison power lines are

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located on the 1,765-acre AMSP site and the land adjacent and south where it connects to the existing east-west power lines.

Summary of Process

The Environmental Assessment (EA) considered two alternatives:

1. The project as proposed (the Agency preferred alternative, 250 MW, 1,765 acres, and associated transmission infrastructure)
2. No Action (no ROW grant)

Important dates for this project are as follows:

- 4/4/2011: EA published
- 5/4/2011: End of comment period
- Early July 2011: Decision Record

Planned commencement of construction is Mid-2011 with construction lasting approximately 26 months.

During the 30-day comment period following publication of the EA, DOE and the BLM received three comments from the following parties/groups: the Environmental Protection Agency, the Native American Heritage Commission, and Southern California Edison. Responses to comments can be found in an appendix to the final EA.

Summary of Major Issues

No major issues were identified relating to the BLM portion of the project in the comment period. Comments raised concerns with the private land connected action portion of the project and included:

1. Water Resources – While the fiber-optic system on BLM land would not require any groundwater withdrawal, the solar facility would be wet cooled and require 2,160 acre-feet per year for the 30-year life of the project. Historically, approximately 6,500 to 18,000 AFY of groundwater was used for agriculture production in the vicinity of the proposed AMSP site. A groundwater well monitoring network would be established, and groundwater levels and groundwater quality would be monitored in the network for the life of the AMSP. Any impacts to groundwater levels or quality, while not expected, would be mitigated.
2. Range of Alternatives – The EA fully analyzed two alternatives, the proposed action and No Action. Alternative project locations were also considered, but eliminated from detailed analysis because they were deemed technically infeasible. The range of alternatives analyzed is in compliance with 40 CFR 1508.9(b) and Council on Environmental Quality guidance. The EA also incorporated CEC analysis of a dry cooling alternative that was found to offer no performance or environmental advantages over wet cooling, and to be economically unsound.

Summary of Mitigation Measures and Monitoring

The following measures will be implemented to avoid, minimize, rectify, reduce, or compensate for adverse impacts of the AMSP, including the private land connected action:

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- Funding for acquisition and enhancement of 118 acres of habitat suitable for desert tortoise, Mohave ground squirrel, and burrowing owl.
- Avoidance measures for species including desert tortoise, Mohave ground squirrel, burrowing owl, kit fox, and American badger.
- Development of a Desert Tortoise Translocation Plan, Golden Eagle Territory-Specific Management Plan, Raven Management Plan, a Tamarisk Eradication, Monitoring, and Reporting Program, and a Worker Environmental Awareness Program.
- Completion of a Bird Monitoring Study to evaluate the solar facility's impacts on birds.
- The CEC license includes a total of 99 Conditions of Certification.

Summary of Project Costs

- The DOE has offered a conditional loan guarantee commitment of \$1.2 billion for the AMSP, more than half of the project's costs.
- Bonding and reclamation fees will conform to the BLM's standard linear ROW practices.

Summary of Potential Project Benefits

Approval of the BLM action would allow the construction and operation of the AMSP, which is anticipated to create a number of benefits in the public interest, including, but not limited to:

- Renewable Power Supply: The 250 MW nominal of clean electricity is estimated to power over 70,000 homes.
- Job Creation: Estimated creation of 830-1,162 (at peak) temporary direct construction positions and 63 direct permanent positions.
- Revenue Generation: Estimated construction payroll of \$272 million over 26 months. Local spending on construction materials and equipment in the area are estimated at \$121 million over 26 months.

Summary of Agency Actions

1. The California Energy Commission (CEC) – The CEC approved applicant's Application for Certification on 9/16/10.
2. U.S. Army Corps of Engineers (ACOE) – The Corps provided a No Jurisdiction Determination for the AMSP on 2/26/10.
3. The U.S. Fish and Wildlife Service (FWS) – Issued a Biological Opinion on March 17, 2011 concluding the project would not likely jeopardize the continued existence of the desert tortoise. All mitigation measures associated with Biological Opinion will be added as terms and conditions of the right-of-way grant.
4. The State Historic Preservation Officer (SHPO) – Section 106 Consultation has been completed with a conditional No Adverse Effect determination on June 27, 2011. Conditions include a requirement that archaeological and tribal monitors be on site during ground disturbing activities.



JUL 06 2011

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>

DECISION MEMORANDUM FOR THE SECRETARY

FROM: Robert V. Abbey 
Director, Bureau of Land Management

SUBJECT: Decision Record – Abengoa Mojave Solar Project (AMSP) Associated Rights-of-Way (ROW)

INTRODUCTION

Mojave Solar, LLC, solely owned by Abengoa Solar, Inc., plans to construct a 250 megawatt (MW) solar power plant on private land 25 miles northwest of Barstow, California that will involve five associated Bureau of Land Management (BLM)-connected action transmission ROW.

Summary of BLM Action

The private land solar project includes ancillary facilities that cross public land and require five BLM ROW authorizations for Southern California Edison (SCE) facilities.

- CACA 52616, a new ROW authorization for an above-ground fiber optic line;
- CACA 52096, an amendment to an existing ROW for a 34 kilovolt (kV) distribution line authorizing the additional use of a new fiber optic line;
- CACA 21596, an amendment to an existing ROW for a 115 kV transmission line authorizing the additional use of a new fiber optic line;
- CALA 30913, the conversion of an existing, pre-Federal Land Policy and Management Act (FLPMA) ROW to a FLPMA ROW and authorizing the additional use of a new fiber optic line; and
- CARI 1280, the conversion of an existing, pre-FLPMA ROW to a FLPMA ROW and authorizing the additional use of a new fiber optic line.

BACKGROUND

The solar facility, licensed by the California Energy Commission (CEC) on September 16, 2010, will cover 1,765 acres of predominantly fallow private agricultural land. The project will consist of two independently operable solar fields that will combine to generate 250 MW using parabolic trough technology. The proposed Lockhart Substation and interconnection to the adjacent SCE power lines are located on the 1,765-acre AMSP site and the land adjacent and south to where it connects to the existing east-west power lines.

The proposed fiber optic system includes installation of new fiber optic communication cables between the Lockhart Substation and the Tortilla, Kramer, and Victor substations by means of stringing cable on existing transmission line poles and on seven replacement poles, constructing new interset poles, placing segments of cable in an existing underground conduit, and placing cable in a new underground conduit. The fiber optic cables provide diverse path routing of communications required for the AMSP interconnection and provide communications redundancy at the two AMSP power blocks.

Approximately 17 miles of the 85-mile proposed fiber optic telecommunication network crosses land managed by the BLM. The BLM is a cooperating National Environmental Protection Act (NEPA) agency, in accordance with a Memorandum of Understanding with the Department of Energy (DOE), signed in January 2010. The DOE is considering a loan guarantee application to support construction of the project, and served as the Federal NEPA lead agency.

POSITION OF INTERESTED PARTIES

No major issues were identified relating to the BLM portion of the project in the comment period. Comments raised concerns with the private land connected action portion of the project and included:

1. Water Resources – While the fiber optic system on BLM land would not require any groundwater withdrawal, the solar facility would be wet cooled and require 2,160 acre-feet per year (APY) for the 30-year life of the project. Historically, approximately 6,500 to 18,000 APY of groundwater was used for agriculture production in the vicinity of the proposed AMSP site. A groundwater well monitoring network would be established, and groundwater levels and groundwater quality would be monitored in the network for the life of the AMSP. Any impacts to groundwater levels or quality, while not expected, would be mitigated.
2. Range of Alternatives – The Environmental Analysis (EA) fully analyzed two alternatives, the Proposed Action and No Action. Alternative project locations were also considered, but eliminated from detailed analysis because they were deemed technically infeasible. The range of alternatives analyzed is in compliance with 40 CFR 1508.9(b) and Council on Environmental Quality guidance. The EA also incorporated CEC analysis of a dry cooling alternative that was found to offer no performance or environmental advantages over wet cooling, and to be economically unsound.

DECISION OPTIONS

The EA considered two alternatives including the Proposed Action and No Action, including:

1. Proposed Connected Actions: This alternative includes granting five ROW associated with the AMSP for construction and operation of approximately 17 miles of a fiber optic telecommunication network that crosses land managed by the BLM.
2. No Action Alternative: Under this alternative, the BLM would not grant a ROW, and the Applicant would be unable to construct a solar generation facility.

The BLM has decided to approve the Proposed Action including additional mitigation measures and monitoring necessary to avoid, minimize, reduce, or compensate for adverse impacts of the project. This decision will approve five BLM ROW authorizations to connect the AMSP to SCE facilities.

RECOMMENDATION

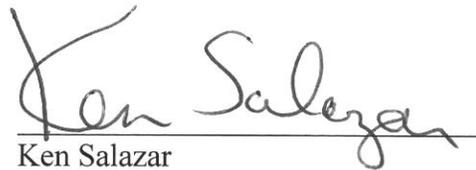
I recommend you approve the decisions regarding the five rights-of-way associated with the Abengoa Mojave Solar Project. Your approval of this decision constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR Part 4. Any challenge to this decision, including the BLM Authorized Officer's issuance of the rights-of-way as approved by this decision, must be brought in Federal district court.

DECISION BY THE SECRETARY:

APPROVE:

DISAPPROVE:

COMMENTS:


Ken Salazar

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BARSTOW FIELD OFFICE**

Decision Record

Southern California Edison

**CACA-52616 - Abengoa-Mojave, CACA-52096 - Lockhart-Hinkley, CARI-01280 -
Kramer-Lockhart, CALA-030913 - Hinkley-Tortilla, and CACA-21596 – Victor-Kramer**

Environmental Assessment No. DOI-BLM-CA680-2010-0083

It is the decision of the Bureau of Land Management (BLM) to approve the issuance of one new right-of-way (ROW) grant, two pre-Federal Land Policy and Management Act (FLPMA) ROW grants converting to FLPMA ROW grants, and two ROW amendments in support of the construction, operation and maintenance, and termination of ancillary facilities for the Abengoa Mojave Solar Project (AMSP) and other electrical transmission system protection requirements subject to the mitigation measures identified in the Abengoa Mojave Solar Environmental Assessment (EA), the terms and conditions for this project as outlined in the U.S. Fish and Wildlife Service's (FWS) Biological Opinion (BO), other protection measures identified in this decision, stipulations included in the ROW grants, and all other standard conditions and best management practices summarized or outlined in this decision. The ROW grants are conditioned on the implementation of and compliance with the above stated measures. These measures are identified in the Mitigation Measures section of this decision, and a complete list will be attached as stipulations to the new and amended ROW grants.

MANAGEMENT CONSIDERATIONS (RATIONALE)

My decision on these five grants is consistent with and fulfills the BLM's legal requirements for managing public lands. The mitigation measures and stipulations in the grants ensure that authorization of these ROWs will protect environmental resources, accommodate other authorized uses, and comply with environmental standards. This decision reflects careful balancing of many competing public interests in managing public lands, and is consistent with the California Desert Conservation Area (CDCA) Plan. This decision is based on the Abengoa Mojave Solar EA, associated public involvement activities, and other management considerations, as outlined below.

Purpose and Need

The BLM's purpose and need for the proposed action is to respond to five FLPMA ROW applications submitted by Southern California Edison (SCE) to provide ancillary facilities in support of the development of a solar energy generation facility and associated infrastructure. The ancillary facilities are in the form of fiber optic lines that would be located partially within public lands administered by the BLM in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws and policies. This proposed action would further the purpose of

Secretarial Order 3285A1 (March 11, 2009), which establishes the development of environmentally-responsible-renewable energy as a priority for the Department of the Interior. This decision meets the purpose and need for the project.

Alternatives

The range of alternatives addressed in the Abengoa Mojave Solar EA for these ancillary facilities includes the Proposed Action (Agency-preferred alternative) and No Action alternatives. Alternative locations were not identified for the proposed fiber optic lines because the AMSP and associated Lockhart Substation need to connect to existing transmission lines and substation in the area. Siting within existing ROWs has the smallest impact on the environment; therefore there are no options that would avoid or lessen impacts to critical habitat for desert tortoise or the associated BLM Area of Critical Environmental Concern. Additionally, siting within existing ROWs, to the extent feasible, is consistent with the BLM's regulations and CDCA Plan guidance to minimize new impacts to sensitive resource values, utilize existing corridors to the extent possible, and provide maximum flexibility for additional ROWs within the utility corridors (43 C.F.R. § 2801.2.; CDCA Plan, Energy Production and Utility Corridors Element). The solar facility and transmission system that these ancillary facilities support also meet BLM and California siting criteria as evaluated in the California Energy Commission (CEC) Supplemental Staff Assessment process and summarized in the Abengoa Mojave Solar EA and this Decision Record. An evaluation of only the Agency-preferred alternative and No Action alternative for the ROW grants is appropriate and reasonable for the proposed fiber optic lines, as supported by the Abengoa Mojave Solar EA. This range of alternatives is consistent with Council on Environmental Quality (CEQ) guidance, which does not require analysis and documentation in an EA of alternatives unless an unresolved conflict, consistent with Section 102(2)(E) of the National Environmental Protection Act (NEPA) and 40 CFR 1501.2(c), exists. Consistent with NEPA and CEQ guidance, this decision is based on an analysis of an adequate range of alternatives. The No Action alternative was not selected because it would not allow the development of renewable energy, which is a national priority.

Public Involvement

While CEQ regulations do not require agencies to make EAs available for public comment and review, agencies are directed to encourage and facilitate public involvement in the NEPA process to the fullest extent possible [40 CFR § 1500.2(d), 40 CFR § 1506.6]. A draft of the EA was published on the Department of Energy's (DOE) website on April 4, 2011, initiating a 30-day comment period lasting until May 4, 2011. The DOE received only three comment letters on the draft EA, from the U.S. Environmental Protection Agency, the Native American Heritage Commission, and SCE. Issues raised in the comment letters included water resources, the range of alternatives, tribal consultation, and hazardous materials. The Abengoa Mojave Solar final EA has provided additional information in response to these comments which clarifies and supports the analysis provided in the draft EA. Responses to the comments received can also be found in an appendix to the final EA. A record of public contact can be found in Appendix A of the final EA. In addition to the public process under NEPA, opportunities for agency and public participation were provided during the CEC's licensing process for the AMSP, which these transmission facilities support. A summary of this process can be found in section 1.2 of the final EA.

Tribal consultation efforts were also conducted under Section 106 of the National Historic Preservation Act (NHPA). The DOE sent letters to local federally recognized Native American tribes on September 27, 2010, formally inviting them to participate in government-to-government consultation regarding the AMSP. In February 2011, the tribes were contacted again. Follow-up letters were sent to inform them of the results from the Class III Cultural Resources Survey Report. The formal Section 106 consultation process has been completed.

I have determined that all substantive comments have now been satisfactorily addressed and documented in the final EA, including those that pertain to this decision.

Consistency with Other Relevant Federal, State, and Local Law and Regulation

Related laws and policies relevant to the issuance of these grants include the Energy Policy Act of 2005 (EPAc), Pub. L. No. 109-58, NHPA, 16 U.S.C. § 470 *et seq.*, and the Endangered Species Act (ESA), 16 U.S.C. § 1531 *et seq.* The EPAc and BLM Instruction Memorandum No. 2007-097 (April 4, 2007) support the development of transmission facilities to support renewable energy power generation projects on both public and private lands. The BLM has complied with applicable Federal laws. The BLM initiated Section 7 consultation pursuant to the ESA relating to one federally-and State-threatened species – desert tortoise (*Gopherus agassizii*) – known to occur along the proposed ROW grant areas, major portions of which are located within designated critical habitat for this species. The FWS issued a BO as part of the consultation for the overall AMSP, including the five fiber optic lines. The FWS concluded in its BO that the proposed project is “not likely to jeopardize the continued existence of the desert tortoise.” FWS, BO at 39 (March 17, 2011). The FWS identified specific terms and conditions to minimize impacts to desert tortoise, which are adopted by this decision.

The BLM has also satisfied the requirements of Section 106 of the NHPA, 16 U.S.C. § 470f. As required by the Advisory Council on Historic Preservation’s Section 106 regulations, 36 C.F.R. Part 800, the BLM worked with the DOE to initiate the Section 106 process to identify, evaluate, and resolve, if necessary, any adverse effects to historic properties listed in or eligible for the National Register of Historic Places. The Agencies initiated consultation with the California State Historic Preservation Officer (CA SHPO) and with Indian tribes with historic ties in the general vicinity of the project area. Through the identification and evaluation process outlined in the Section 106 regulations, it was determined that the proposed project would have no adverse effects on National Register-listed or eligible historic properties. The CA SHPO issued a conditional No Adverse Effect determination on June 27, 2011, with conditions including a requirement that archaeological and tribal monitors be on site during ground disturbance.

The Army Corps of Engineers provided a No Jurisdiction Determination for the project on February 26, 2010, indicating that no permit would be necessary under Section 404 of the Clean Water Act.

Compliance with these laws is fully documented in the Abengoa Mojave Solar EA and related consultations, including the adoption of appropriate measures in this decision. In addition, the

issuance of all other necessary local, State, and Federal approvals, authorizations, and permits as identified in the EA is required as a standard stipulation to the ROW grants.

CDCA Plan Conformance

This decision is consistent with the CDCA Plan of 1980, as amended. The CDCA and the West Mojave Planning Area allow for the authorization of new ROWs on public lands, consistent with Title V of FLPMA and the Energy Production and Utilities Corridor Element of the CDCA Plan. New transmission and distribution facilities are allowed on public lands that are unclassified, or classified as “Limited”, “Moderate”, or “Intensive” use as identified in the CDCA Plan. To the extent they are reasonably available, for “Limited” lands, new ROWs should be placed within existing ROWs. Additionally, the CDCA Plan allows for upgrades to facilities and may be included upon amendment of the original ROW grants. This decision is also consistent with additional specific plan strategies to minimize new disturbances and impacts to the listed desert tortoise from these authorizations, as outlined in Section 2.2.4.2, DT1 and DT11 of the West Mojave Plan (2006), an amendment to the CDCA Plan for this area.

MITIGATION MEASURES

The ROW grants are conditioned on implementation of required mitigation measures and monitoring programs. The complete language of all the mitigation measures, terms and conditions, and stipulations is included in the five ROW grant authorizations as terms and conditions of the ROW grants. They include all measures in the Abengoa Mojave Solar EA (Appendix S: *Environmental Protection Measures, Design Measures, and BMPs*), the required terms and conditions from the BO for this project issued by FWS, measures identified by the CA SHPO to comply with its conditional No Adverse Effect determination under Section 106 of the NHPA, and standard stipulations for grants under Title V of FLPMA within the CDCA in this area.

Failure of the applicant to adhere to these mitigation measures, terms and conditions, measures identified by the CA SHPO, and stipulations could result in administrative actions up to and including termination of the ROW grants and requirements to relocate or remove the facilities and rehabilitate disturbances. These measures, terms and conditions, and stipulations are determined to be in the public interest pursuant to 43 CFR 2805.10(a)(1).

All practicable means to avoid or minimize environmental harm have been adopted under this decision.

PROJECT MONITORING AND ADAPTIVE MANAGEMENT

Project monitoring and adaptive management ensure compliance with all grant stipulations and document such compliance. Resource Protection compliance monitoring for this project will be conducted by the BLM or a third-party contractor approved by the BLM. Construction compliance may be conducted by the BLM, a third-party contractor, or SCE, upon BLM approval, and coordinated with the DOE. Monitoring will consist of the following components:

- Compliance Monitors will be identified by the BLM prior to initiation of activities on public lands, to conduct routine site visits to determine compliance with grant stipulations. The BLM site visits may be coordinated with SCE or conducted unannounced. Supplemental information provided by SCE, including preconstruction submittals, survey reports, monthly reports, meeting notes, and agency correspondences, will also be used to determine future compliance needs and verify compliance.
- Compliance Monitors will document observations through the use of daily field notes and digital photography. Field inspection forms will also be utilized in the field to document compliance of specific crews, construction activities, or mitigation measures. The forms will provide a standardized checklist to facilitate inspections, as well as list mitigation measures that were verified during site visits. Information gathered from the inspection forms and field notes will be used to generate weekly status reports and update the status of implementation of grant stipulations to include in the project case files.
- A construction activity that deviates from grant conditions requires prior approval by the Authorized Officer. Failure to do so is considered as non-compliance with the ROW grant and requires immediate notification of the BLM upon discovery, in order to determine corrective actions that may be needed. Examples of non-compliance include, but are not limited to:
 - Use of new access roads, staging areas, or extra workspaces not identified on the project drawings or not approved for use during construction;
 - Encroachment outside of the ROW or into an exclusion zone or sensitive resource area designated for avoidance;
 - Brush clearing outside the approved work limits;
 - Grading, foundation, or line work without required advance notification, preconstruction surveys, or monitor on site;
 - Failure to install, or improper installation of, erosion or sediment control structures;
 - Discharge of sediment-laden trench or foundation-hole water into a water body or storm drain.
- A copy of the Compliance Monitors' Non-Compliance report will be filed with SCE that lists actions required to bring the activity back into compliance and provides a timeline for follow-up. SCE is required to contact the California Public Utilities Commission (CPUC) Project Manager and the BLM Compliance Project Manager within 5 working days to resolve the non-compliance. Depending on the severity of non-compliance, the BLM may issue a stop work order or an immediate temporary suspension of the activity or grant.
- If a construction activity or observed resource protection measure only slightly deviates from project requirements and does not put a resource at risk, the CPUC Environmental Monitor may elect to issue an incident report to rectify the issue. Construction activities that could result in an incident report include, but are not limited to:

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- Failure to properly maintain an erosion or sediment control structure, but the structure remains functional;
 - Use of an existing unapproved access road (first offense);
 - Work outside the approved work limits where the incident is within a previously disturbed area, such as a gravel lot.
- Incident reports will generally not be issued twice for the same compliance issue. In other words, repeated incidences will result in a finding of non-compliance.
 - At various times throughout the project, the need for extra workspace or additional access roads may be identified. Similarly, changes to the project requirements (e.g., grant conditions, specifications, etc.) may be needed to facilitate construction or provide for more effective protection of resources. The BLM and SCE should work together to find solutions when variations or adjustments are necessary for specific field situations to avoid conflicts with adopted conditions or specifications.
 - The holder shall not initiate any construction or other surface disturbing activities as a minor change to the ROW or Plan of Development without prior written approval of the Authorized Officer, or his delegate. Such authorization shall be a written Change of Condition or Adjustment. Each Change of Condition/Adjustment shall authorize construction or use only as therein expressly stated and only for the particular location and use therein described. All Changes of Condition/Adjustments are subject to such terms and conditions as deemed necessary by the Authorized Officer at the time of approval. Approved changes authorize construction or use only as therein expressly stated and only for the particular location, phase, area, or use described. The Authorized Officer may, by written notice, suspend or terminate in whole or in part any change of Condition/Adjustment which has been approved, when in the Authorized Officer's judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment. At the conclusion of project construction or as project phases are completed, as-built drawings must be provided to the BLM for the purpose of conforming the ROW to the as-built locations. All Conformance Requests will be documented and tracked to ensure the acreages of disturbance affected by post-authorization conformance changes remain within the limits of impacts analyzed in the Environmental Impact Statement and approved in the Decision Record and ROW.
 - If a project change is proposed, the BLM Compliance Project Manager may request a site visit from the BLM with SCE or other pertinent agencies to determine the need for additional information to process the change request or determine the extent of the change proposed. In some cases, a change may also require approval by other jurisdictional agencies. In general, these change requests must include the following information:
 - Detailed description of the location, including maps, photos, and/or other supporting documents;
 - How the variance request deviates from a project requirement;

- Biological resource surveys or verification that no biological resources would be significantly impacted;
 - Cultural resource surveys or verification that no cultural resources would be adversely or significantly impacted;
 - Landowner approval if the location is not within SCE's BLM ROW or property;
 - Agency approval (if necessary).
- Inspection forms will be completed for each site visit, and weekly status reports will be filed with the BLM, DOE, and individual Compliance Monitors to prepare a final environmental compliance report following the completion of construction. The final report will provide a discussion on how each grant condition was implemented and include copies of submittals required for compliance. In addition, the success criteria will be evaluated and used for future projects.

ROW AUTHORIZATION

It is my decision to approve the right-of-way and right-of-way amendments reflected in this Decision Record, subject to the terms, conditions, stipulations, and environmental protection measures developed by the Department of the Interior. This decision is effective on the date this Decision Record is signed.

Approved by:

Robert V. Abbey
 Robert V. Abbey
 Director
 Bureau of Land Management

7-6-11
 Date

SECRETARIAL APPROVAL

I hereby approve this decision. My approval of this decision 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 this decision, including the BLM Authorized Officer's issuance of the right-of-way as approved by this decision, must be brought in Federal district court.

Approved by:

Ken Salazar
 Ken Salazar
 Secretary
 Department of the Interior

7-11-2011
 Date

SUMMARY

The Energy Policy Act of 2005, as amended by Section 406 of the American Recovery and Reinvestment Act of 2009, authorized the U.S. Department of Energy (DOE) to issue loan guarantees for projects that “avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; and employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued.” Title XVII of the Energy Policy Act of 2005 identifies 10 categories of technologies and projects potentially eligible for loan guarantees, including those for renewable energy technologies. The two primary goals of the Title XVII loan guarantee program are to encourage commercial use in the United States of new or significantly improved energy-related technologies and to achieve substantial environmental benefits.

Mojave Solar, LLC (Mojave Solar), solely owned by Abengoa Solar, Inc., submitted an application to DOE under the federal loan guarantee program pursuant to the Energy Policy Act to support construction of a 250-megawatt (MW) net output solar power plant in San Bernardino County, California. Refer to Figure S-1 for the regional location map of the proposed Project. The proposed solar power plant is located entirely on private land and is referred to as the Abengoa Mojave Solar Project (hereinafter referred to as AMSP). Refer to Figure S-2 for an aerial view of the proposed AMSP site. Additional facilities are required to distribute the solar power to the electric grid, including a new substation and interconnection to the adjacent transmission lines, and a fiber-optic telecommunication line linking various substations in the region. Southern California Edison (SCE) proposes to construct and operate these additional facilities, known as Special Protection System (SPS) upgrades. The SPS upgrades are also evaluated in this environmental assessment (EA) as part of the proposed Project. The AMSP and the associated supporting infrastructure are hereinafter referred to as the “proposed Project.”

Approximately 17 miles of the 85-mile proposed fiber-optic telecommunication network crosses lands managed by the U.S. Department of the Interior Bureau of Land Management (BLM). BLM is a cooperating agency for the Proposed Action, in accordance with a Memorandum of Understanding between DOE and BLM, signed in January 2010.

Once constructed and operating at full capacity, the AMSP would produce enough electricity to power approximately 70,000 California homes and provide customers with solar-generated electricity. The proposed Project is expected to supply renewable energy to the California energy market, which would help achieve the State of California renewable energy objectives and support California’s electric utility requirements with the long-term production of renewable electric energy. In addition, the proposed Project would maximize renewable energy from a site with excellent solar resources, available water rights, and existing interconnection to an electrical transmission grid.

The proposed Project would promote energy efficiency, reduce reliance on foreign sources of petroleum-based energy, and contribute to the avoidance and reduction of air pollutants and anthropogenic emissions of greenhouse gases, as required by the Energy Policy Act. The

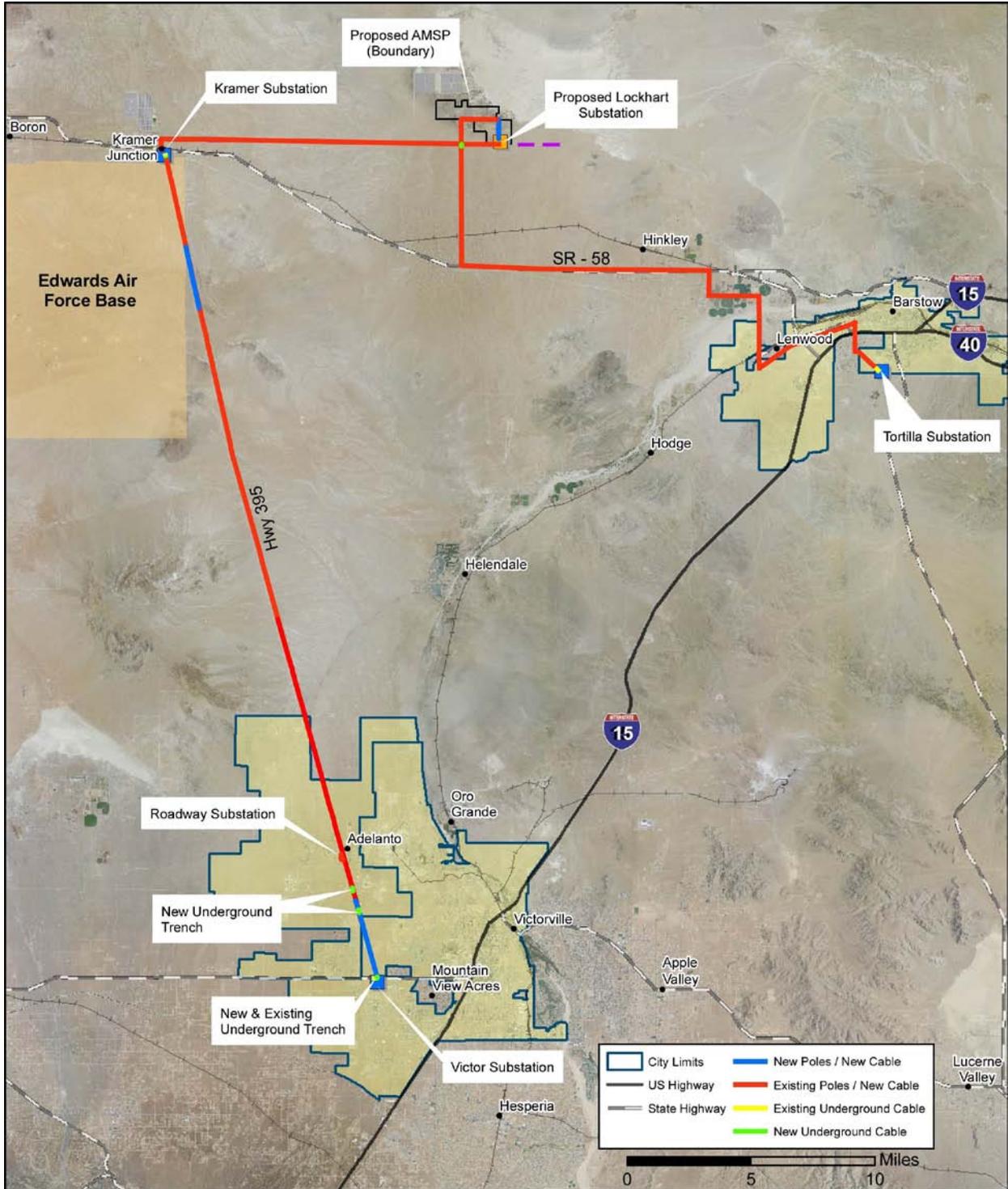


Figure S-1: Regional Vicinity Map

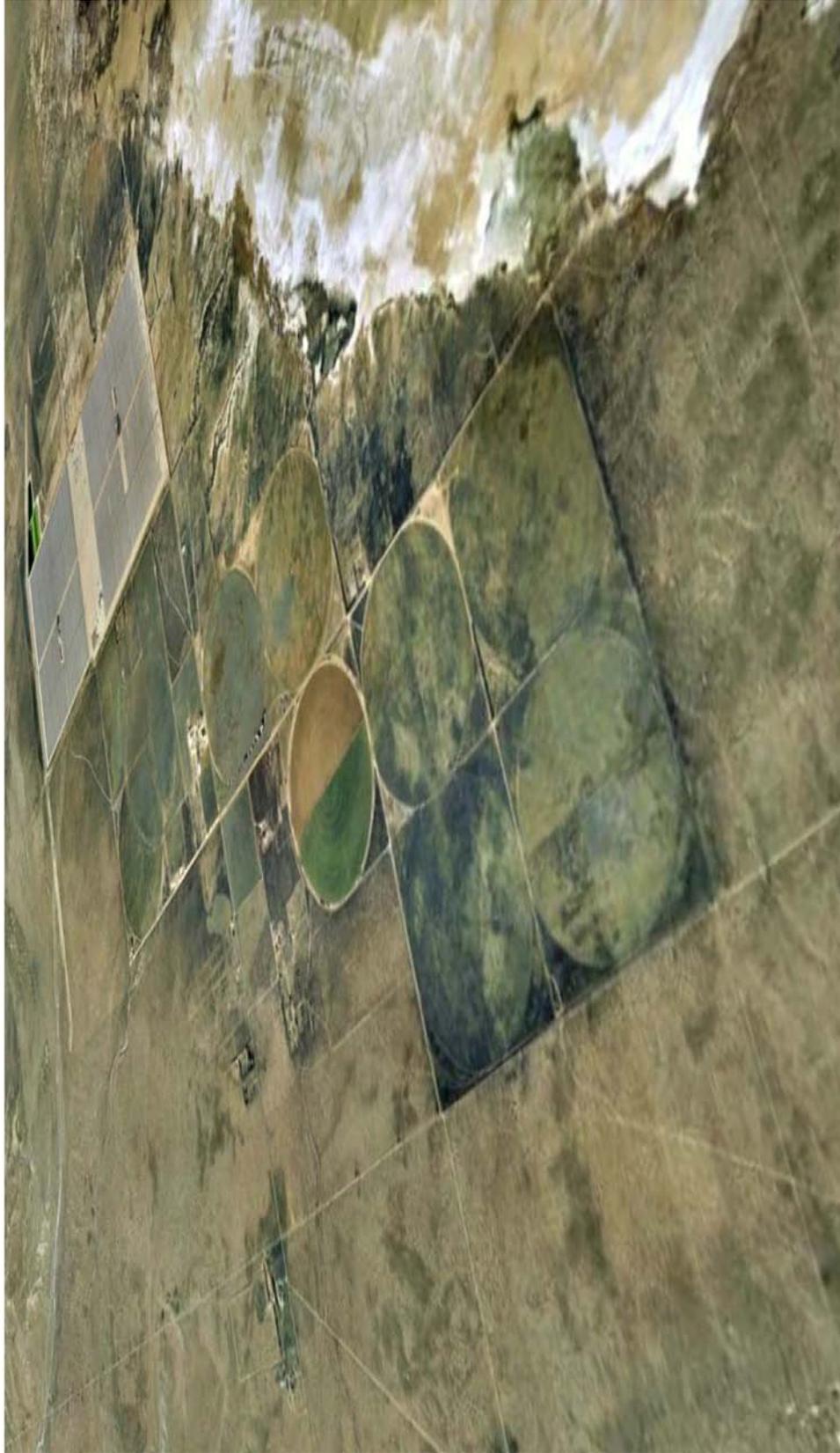


Figure S-2: AMSP Site – View Northwest

proposed Project would reduce the need for electricity from conventional generation facilities and, compared to a traditional fossil fuel-fired facility, would avoid annual emissions of greenhouse gases and other air pollutants.

Under the Proposed Action, DOE would issue a loan guarantee that would allow Mojave Solar to construct and operate the AMSP, which will implement well-established parabolic trough technology to solar heat transfer fluid (HTF). This hot HTF will generate steam in solar steam generators, which will expand through a steam turbine generator to produce electrical power. As noted above, SCE intends to construct a new substation and associated facilities to interconnect the AMSP to various substations in the region; these facilities would be constructed, owned, operated, and maintained by SCE.

Alternatives to the Proposed Action

The No-Action Alternative is evaluated in the EA; no other viable alternatives were identified as described in Section 2.3, Alternatives Considered but Rejected. Under the No-Action Alternative, DOE would not issue Mojave Solar a loan guarantee for the proposed Project and BLM would not grant rights-of-way for the fiber-optic lines necessary to support the proposed Project. Mojave Solar has determined that timelines associated with pursuing financing through commercial debt markets would be inconsistent with construction deadlines established to honor executed commercial agreements. In addition, factors associated with financing through commercial debt markets would preclude the economic viability of the proposed Project due primarily to high debt interest rates and reduced terms of borrowing. Therefore, under the No-Action Alternative, Mojave Solar would not proceed with the proposed Project. If Mojave Solar does not proceed with the proposed Project, the environmental impacts and consequences described in Chapter 3 would not occur. In addition, the No Action Alternative would not employ a new or significantly improved technology that avoids, reduces, or sequesters air pollutants or anthropogenic emissions of greenhouse gases as envisioned in the 2005 Energy Policy Act.

Resources with No Adverse Effect

The EA evaluated the potential for adverse effects to the environment and sensitive resources in Chapter 3.0. The analysis concludes that there will be no adverse effect to the following resources:

- Land Use
- Natural Vegetation
- Environmental Justice
- Transportation
- Floodplains
- Groundwater
- Socioeconomics
- Public Health & Safety
- Cumulative Impacts
- Wetlands

A summary of these findings can be found in Table S-1.

Resources with No Adverse Effect with Implementation of Design Measures, Best Management Practices and Environmental Protection Measures

No Adverse Effect is anticipated for the following resources, with implementation of proposed Project design measures, standard Best Management Practices and environmental protection measures. Many of the environmental protection measures were identified during the CEC’s analysis of the AMSP/Lockhart Substation portion of the project pursuant to the California Environmental Quality Act (CEQA) and are requirements pursuant to the CEC’s Final License Decision. Those measures were accounted for when making determinations of effect in this EA. A complete listing of these measures is provided for in Appendix S. A summary of the effects are provided in Table S-1.

- Scenic Resources
- Geology and Soils
- Surface Waters
- Special-Status Species
- Noise
- Paleontology
- Wildlife
- Cultural Resources

A beneficial impact to Greenhouse Gas is anticipated since the proposed Project would supply electricity in a manner that avoids, reduces, or sequesters air pollutants or anthropogenic emissions of greenhouse gases. The proposed Project would meet the intent of the 2005 Energy Policy Act.

Table S-1 Summary of Impacts by Resource

Resource Area	No Action Alternative	Proposed Action
Land Use	There would be no change to existing conditions and no impacts to land uses	<p><u>AMSP/Lockhart Substation</u>: All activities would be within the AMSP site boundary and existing utility corridors. Some farmed land would be removed from production. The proposed Project would not change access or interfere with other existing or potential land uses within the site boundaries and utility corridors. The CEC License Decision (permit) obtained for the AMSP project resolves any conflict with County’s General Plan goals and policies regarding inconsistencies with the policies for vegetation clearing, and retention of native vegetation and soils. The proposed facility is compatible and consistent with other federal, state, and county land use policies, plans, and regulations. No Adverse Effect</p> <p><u>Telecommunication System</u>: The 85-miles of proposed fiber-optic telecommunication lines would be located on existing, and in some cases on new interset or replacement poles, within existing utility corridors. The proposed fiber-optic cables would not conflict with land use plans and policies or existing land uses. No Adverse Effect</p>

Resource Area	No Action Alternative	Proposed Action
Scenic Resources	There would be no change to existing conditions and no impacts to scenic resources	<p><u>AMSP/Lockhart Substation</u>: Direct visual impacts include the change from open views of fallow agricultural fields to a commercial-scale solar farm. The impacts would not be substantial or adverse because the AMSP/Lockhart Substation would be visually compatible with the adjacent SEGs. No Adverse Effect with implementation of Design Measures</p> <p><u>Telecommunication System</u>: None of the proposed fiber-optic lines would result in a substantive change to the visual setting or character of the study area. All proposed facilities would be compatible and consistent with other federal, state, and county land use policies, plans, and regulations. No Adverse Effect</p>
Air Quality & Greenhouse Gas	There would be no change to existing conditions and no impacts to air quality or contributions to Greenhouse Gas. Consequently, no benefit would be realized in reducing greenhouse gas emissions.	<p><u>AMSP/Lockhart Substation</u>: The AMSP is not a major source facility for criteria pollutants. Operational emissions from the substation would be limited to emergency generators and occasional maintenance. Sensitive receptors to hazardous air pollutant emissions would not be exposed to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and hazard index greater than 1. No Adverse Effect with implementation of Design Measures and CEC Conditions of Certification.</p> <p><u>Telecommunication System</u>: There would be no new major stationary emission sources; therefore, operation-related hazardous air pollutant emissions would not exposure sensitive receptors to substantial pollutant concentrations. Operational emissions from the transmission lines, and fiber-optic lines would be negligible. Construction emissions are projected to be minimal, however some of the design measures proposed for the AMSP/Lockhart Substation are proposed for the fiber-optic telecommunication system construction phase. No Adverse Effect</p> <p><u>Project¹</u> <u>Greenhouse Gas</u>. The proposed Project would emit less than 25,000 metric tons CO₂e of GHG emissions per year during construction and operation. It follows from the CEQ GHG guidance that the level of these CO₂e emissions is sufficiently low that no further analysis was warranted. The proposed Project results in a beneficial impact by supplying electricity in a manner that avoids, reduces, or sequesters air pollutants or anthropogenic emissions of greenhouse gases. No Adverse Effect, Beneficial Impact</p>
Noise	There would be no change to existing conditions and no impacts to noise	<p><u>AMSP/Lockhart Substation</u>: Major noise sources during start-up and commissioning involve air and steam venting, and other steam releases. These impacts would not be substantive because they would be short-term and intermittent. There would be no substantial impacts from tonal noise, corona discharge, traffic noise, and operational noise. No Adverse Effect with implementation of construction phase and operation phase environmental protection measures</p> <p><u>Telecommunication System</u>: The fiber-optic lines would not be substantial new noise sources, and are not in audible range of</p>

Resource Area	No Action Alternative	Proposed Action
		sensitive noise receptors, and thus would not result in an adverse impact on the existing or future noise environment. No Adverse Effect
Geology, Soils, and Seismicity	There would be no change to existing conditions and no impacts to or hazards related to geology, soils, and seismicity	<p><u>Project</u></p> <p>The proposed Project is in a seismically active region. The proposed Project would be designed and constructed to meet International Building Code/California Building Code requirements for industrial facilities. A geotechnical design report addresses geotechnical issues to assist in the design and construction of the proposed Project. For these reasons, the substations would be constructed and operated to minimize adverse effects from seismic and other geologic hazards. An erosion control plan will be developed and implemented to ensure minimum soil loss and to maintain water quality during and following construction; thus, soil erosion would be minor. No other geologic features would be affected. No Adverse Effect with implementation of standard design measures and Best Management Practices</p>
Paleontological Resources	There would be no change to existing conditions and no impacts to paleontological resources	<p><u>AMSP/Lockhart Substation</u>: Quaternary older alluvial sediments that occur within the AMSP/Lockhart Substation area have a high Paleontological Resource Potential for vertebrate fossil types. Full-time monitoring is recommended during any project-related ground disturbance of high potential geologic units. Implementation of the Paleontological Resource Monitoring and Mitigation Plan would substantially reduce adverse impacts. Other geologic units within the AMSP/Lockhart Substation study area have a low Paleontological Resource Potential, and do not require protection or salvage efforts. No Adverse Effect with implementation of construction-phase environmental protection measures</p> <p><u>Telecommunication System</u>: Ground disturbance is projected to be minimal/shallow. No adverse impacts are anticipated, however standard environmental protection measures are proposed for areas where trenching and pole construction would occur. No Adverse Effect with implementation of standard environmental protection measures</p>
Surface Water Resources	There would be no change to existing conditions and no impacts to surface water resources	<p><u>AMSP/Lockhart Substation</u>: Impacts to surface water from soil erosion and spill and leaks of project-related pollutants would be effectively minimized with the implementation of the approved grading plan, BMPs, SWPPP, and Drainage, Erosion, and Sediment Control Plan. No surface water would be used for dust control during construction or for cooling purposes during operation. No Adverse Effect with implementation of standard construction-phase Best Management Practices</p> <p>There would be no direct encroachment or impact to wetlands, floodplains or federal waters of the U.S. No Adverse Effect</p> <p><u>Telecommunication System</u>: Trenching locations will not impact jurisdictional waters. For cable installed on existing poles, the fiber-optic cable would span over any known drainages and jurisdictional waters. Approximately 30 interset poles are projected along the Kramer to Victor route. Under a worst-case scenario, new poles would permanently disturb 5 square feet per pole, with a cumulative total of</p>

Resource Area	No Action Alternative	Proposed Action
		<p>less than 0.5 acre of disturbance (roughly 157 square feet). Any impact to drainages/or potential Waters of the U.S. will require authorization from the USACE. Authorization under a Nationwide Permit 12 would be sought to cover potential impacts. No Adverse Effect</p> <p>No wetlands occur within the Telecommunication System study area; therefore no impacts to wetlands are anticipated. The existing transmission line along the Lockhart to Tortilla route spans the Mojave River 100-year floodplain where the route nears the City of Barstow. No surface disturbance activities are associated with stringing the fiber-optic line on the existing transmission structures. No new poles would be constructed within the floodplain. No impacts to floodplains are anticipated. No Adverse Effect</p>
Ground Water Resources	There would be no change to existing conditions and no impacts to ground water resources	<p><u>AMSP/Lockhart Substation</u>: Operation would require 2,160 AFY of water (includes 10 AFY for potable water) for an anticipated 30 years. Selected onsite supply wells would provide potable water for employees, and water for cooling tower makeup and other industrial uses. The projected interference to offsite wells located as close as 0.5 mile from the AMSP supply wells would be minor. Groundwater production during operations is not expected to adversely impact groundwater quality. The AMSP/Lockhart Substation results in a beneficial impact to water supply resources as the solar plant will have a substantially lower demand for water than active agricultural uses. No Adverse Effect</p> <p><u>Telecommunication System</u>: No groundwater sources would be impacted from installation of fiber-optic cables. No discharge is proposed and no water use is proposed for these elements. No Adverse Effect</p>
Vegetation and Invasive/Exotic Species	There would be no change to existing conditions and no impacts to vegetation and invasive/exotic species	<p><u>AMSP/Lockhart Substation</u>: Permanent loss of approximately 1,778 acres consists mostly of agricultural, disturbed, or developed areas (1,278 acres) that provide low-quality habitat for special-status plant species. No Adverse Effect</p> <p><u>Telecommunication System</u>: Permanent loss of 20.76 acres (not including disturbed or fallow agricultural lands) is mostly Desert Saltbrush scrub (7.81 acres) and White Bursage scrub (12.8 acres); a majority of this habitat is disturbed from existing utility ROW's and electric transmission line infrastructure and access roads. No Adverse Effect</p>
Wildlife	There would be no change to existing conditions and no impacts to wildlife	<p><u>Project</u> Construction, operation, and maintenance of the proposed Project would cause potential wildlife disturbance, displacement, injury, and mortality. Indirect impacts would occur from loss of habitat, fragmentation, potential for spread of noxious species, and potential effects to avian species from evaporation ponds. No Adverse Effect with implementation the Biological Resource Mitigation Implementation Monitoring Plan.</p>

Resource Area	No Action Alternative	Proposed Action
Special-Status Species	There would be no change to existing conditions and no impacts to special-status species	<p><u>AMSP/Lockhart Substation</u>: No federally or State-listed plants were detected within the AMSP site during protocol surveys. Indirect impacts to special-status plant species existing outside the AMSP/Lockhart site may arise from population fragmentation and the introduction of nonnative weeds.</p> <p>Direct impacts to listed wildlife include habitat loss of 428.4 acres of poor quality DT habitat, MGS habitat, burrowing owl habitat, possible golden eagle foraging habitat, and vehicle strikes of wildlife due to project-related traffic. Indirect impacts to DT and MGS include the possibility of raven predation associated with the installation of evaporation ponds and the deposition of sediment loads that could affect existing DT burrows downstream of the site. Implementation of the Desert Tortoise Clearance and Relocation/Translocation Plan, the Burrowing Owl Monitoring and Mitigation Plan, the Raven Control Plan, and other wildlife species protection measures listed in Appendix S would reduce and mitigate the direct and indirect impacts to these special-status species. No direct impacts to golden eagle or SWHA are anticipated; however potential loss of foraging habitat is addressed in the aforementioned plans. No Adverse Effect with implementation species-specific protection plans and measures listed in Appendix S.</p> <p><u>Telecommunication System</u>: Potential adverse effects as a result of direct long-term disturbance of vegetation and other cover that could be used by special-status species (e.g., foraging) would be avoided through implementation of avoidance and minimization measures in Appendix S.</p> <p>The installation of the fiber-optic lines would have a negligible effect on foraging habitat. Implementation of the Avian Power Line Interaction Committee measures will ensure that impacts to golden eagles are avoided. No Adverse Effect</p> <p>Permanent impact to DT habitat (23.1 acres) would be minimized through acquisition of 88.6 acres of potential DT habitat, as described in Section 3.8 and detailed in the Desert Tortoise Clearance and Relocation/Translocation Plan. Permanent impact to MGS habitat (17.63 acres) would be minimized through acquisition of 87.2 acres of potential MGS habitat, described in Section 3.8. No Adverse Effect with implementation species-specific protection plans and measures listed in Appendix S.</p>
Cultural Resources	There would be no change to existing conditions and no impacts to cultural resources	<p><u>Project</u></p> <p>Through preparation of a Cultural Resources Class III Survey Report and consultation with the BLM, it was determined that the proposed Project would have no adverse effect on the National Old Trails Highway, a historic railroad or historic utility lines. There would be no effect to any other identified archaeological sites.</p> <p>As currently designed, the proposed Project would not result in any adverse effects to historic properties. However, final engineering has not yet been completed so several measures are proposed for</p>

Resource Area	No Action Alternative	Proposed Action
		preservation and avoidance of resources, as listed in Appendix S. Implementation of these measures will assure no adverse effect to important archaeological and historic resources. No Adverse Effect with implementation of preservation and avoidance measures.
Socioeconomics	There would be no change to existing conditions and no socioeconomic impacts. However, the No –Action Alternative would not generate short-term construction jobs required for the proposed Project.	<u>Project</u> The proposed Project would have local, regional, and Statewide economic benefits by adding both short- and long-term job opportunities. There would be no adverse effects to the availability of construction labor, employment, or housing. No Adverse Effect
Environmental Justice	There would be no change to existing conditions and no impacts to minority or low-income populations	<u>Project</u> The proposed Project would not cause any disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. No Adverse Effect
Public Health and Safety	There would be no change to existing conditions and no impacts to public health and safety	<u>AMSP/Lockhart Substation:</u> There would be no impacts from hazardous materials. Normal use and compliance with state and federal standards would minimize the potential impacts to public health. All AMSP employees will apply with applicable Cal/OSHA requirements to maximize worker safety. There are no adverse public health impacts anticipated from emissions of toxic pollutants. Electromagnetic Fields exposures are not expected to result in an adverse impact on public health. No Adverse Effect <u>Telecommunication System:</u> The proposed fiber-optic cable would not result in operational public health and safety impacts. No Adverse Effect
Transportation	There would be no change to existing conditions and no impacts to traffic volumes or transportation systems	<u>AMSP/Lockhart Substation:</u> Shuttle service would minimize the effects of the construction traffic onto the local roadway network over the 26-31 month construction period. A designated heavy haul route from the Barstow rail yard to the AMSP/Lockhart Substation site would be used for construction traffic hauling materials. Roadway segments are expected to operate at acceptable LOS with the addition of employee traffic. Neither the construction nor the operational phase of the substations would have adverse impacts to the local or regional roadway network. No Adverse Effect <u>Telecommunication System:</u> There would be no adverse impacts from construction trips, as the amount of traffic anticipated on existing and new dirt access roads for fiber-optic installation is minimal. Traffic associated with maintenance would be negligible. No Adverse Effect
Cumulative Impacts	There would be no cumulative impacts.	The cumulative contribution of impacts from the proposed Project is expected to be negligible. Compliance with regional plans (e.g., air district conformity guidelines and West Mojave Plan) minimizes adverse effects from individual projects and thereby reducing the cumulative effects on environmental resources. No Adverse Effect

¹ Project = AMSP/Lockhart Substation and Telecommunication System Combined.

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BARSTOW FIELD OFFICE**

FINDING OF NO SIGNIFICANT IMPACT

**Southern California Edison
CACA-52616 - Abengoa-Mojave, CACA-52096 - Lockhart-Hinkley, CARI-01280 - Kramer-
Lockhart, CALA030913 - Hinkley-Tortilla and CACA-21596 – Victor-Kramer**

Environmental Assessment No. DOI-BLM-CA680-2010-0083

INTRODUCTION

This Finding of No Significant Impact (FONSI) addresses the issuance of a right-of-way (ROW) grant, grant amendments, and grant conversions under Title V of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1761, for a proposed new aerial fiber optic line and electrical transmission infrastructure built across public lands under the jurisdiction of the Bureau of Land Management (BLM), Barstow Field Office. Authorizations for ROW grants and grant amendments are regulated by BLM in accordance with 43 CFR 2800 *et seq.*, consistent with Departmental and Bureau regulations and policies and the California Desert Conservation Area Plan (CDCA Plan) (1980, as amended).

This FONSI considers the environmental impacts of the entire proposed project, including those impacts located on BLM lands and those associated with the connected action on non-BLM lands, e.g. the solar generation facility, substation, and their ancillary facilities. If a connected non-Federal action and its effects can be prevented by BLM decision-making, then the effects of that non-Federal action are considered indirect effects of the BLM action and must be analyzed as effects of the BLM action (BLM National Environmental Policy Act (NEPA) Handbook H-1790-1 at 46-48, citing 40 C.F.R. 1508.7. 40 C.F.R. 1508.25(c)). The non-Federal action is connected because it cannot or will not proceed unless the BLM grants ROW for fiber optic telecommunications lines across public lands.

BACKGROUND

The California Energy Commission (CEC) received an application for development of a solar trough energy generation project known as the Abengoa Mojave Solar Project, proposed to be built on private lands near Hinkley, California, north of State Highway 58. The Supplemental Staff Assessment was released by CEC on May 25, 2010. During the CEC review and analysis, the applicant, Abengoa Mojave Solar LLC, requested a federal loan guarantee for funding the construction of this project from the Department of Energy (DOE). The scope of the loan guarantee request included ancillary facilities that would extend onto public lands and require ROW authorizations from the BLM pursuant to Title V of FLPMA. DOE assumed the lead federal agency role for developing an Environmental Assessment (EA) in compliance with NEPA, and the BLM elected to participate as a cooperating agency.

Southern California Edison (SCE), the utility that proposes to construct and operate the ancillary facilities on public lands, therefore filed five separate ROW applications with BLM to install overhead fiber optic telecommunications lines and transmission infrastructure that are ancillary to the Abengoa Mojave Solar Project on one new short electrical line and four existing electrical lines. The ROW applications are as follows:

- CACA 52616, a new ROW for an above-ground fiber optic line
- CACA 52096, an amended ROW for a 34 kilovolt (kV) distribution line and the additional use of a fiber optic line
- CACA 21596, an amended ROW for a 115kV transmission line and the additional use of a fiber optic line
- CALA 30913, the conversion of an existing, pre-FLPMA ROW to a FLPMA ROW with the addition of an above-ground fiber optic line
- CARI 1280, the conversion of an existing, pre-FLPMA ROW to a FLPMA ROW and the additional use of a new fiber optic line

The installation of the fiber optic lines will include placement of at least 35 new wooden poles within four existing BLM-authorized ROW grants issued at various times to SCE, one new ROW grant for electrical transmission to link the new substation on private land to one of the four existing electrical lines on public lands, and temporary work areas spaced at regular intervals within or immediately adjacent to the existing ROW during installation of the new lines. The purpose of the fiber optic lines is to support an SCE special protection system, or internal utility telecommunication network, between substations and associated electrical lines. The four ROW to be amended and converted involve over 85 miles of new aerial fiber optic line, of which approximately 17 miles are across public lands under the jurisdiction of the BLM Barstow Field Office. Expiring grants would be renewed at the same time as they are upgraded. The public lands involved are within the Fremont Kramer Desert Wildlife Management Area (DWMA) (West Mojave Plan, 2006), designated for Desert Tortoise and Mojave Ground Squirrel conservation, and within San Bernardino County, California. The new ROW is for a short (less than one mile) transmission line partially located on public lands from a new substation to the wider electrical transmission system via one of the four existing lines in the area, and includes a fiber optic line to be installed at the same time as the transmission line to the new substation.

The solar project will require the construction and operation by SCE of a new electrical substation, to be named Lockhart, for electrical transmission and distribution into the Southern California electrical grid. This substation will be located on the private land area analyzed by CEC for the solar facility. The Lockhart substation is required to comply with the Department of Homeland Security Office requirement for emergency electrical grid system control management. The purpose of the extension of the transmission line to connect to this substation and the addition of the fiber optic lines is to support the solar project in an internal ancillary role for the new Lockhart Substation.

The connected action, Abengoa Mojave Solar Project, will cover 1,765 acres of predominantly fallow private agricultural land. The project will consist of two independently operable solar fields that will combine to generate 250 MW using parabolic trough technology. The proposed solar development will be located adjacent to the Harper Dry Lake Area of Critical Environmental Concern (ACEC), but neither the new transmission lines nor the ancillary fiber optic facilities are anticipated to directly or indirectly impact the Harper Dry Lake ACEC.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the Abengoa Mojave Solar EA and supporting documents, it is my determination that: (1) the approval of the ROW identified in the Proposed Action and the associated connected action will not have significant environmental impacts; (2) the Proposed Action is in conformance with the CDCA Plan; (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment; and (4) the Proposed Action will not result in unnecessary or undue degradation of resource values. Therefore, the preparation of an environmental impact statement (EIS) is not necessary and will not be done.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance, 40 CFR § 1508.27, both with regard to the context and intensity of the impacts described in the EA and/or as articulated in the comment letters received. These considerations are summarized below.

Context

The installation of a short transmission line to the project site across public lands, new aerial fiber optic lines, new wooden poles to provide additional support for the addition of fiber optic lines onto the existing transmission lines, and renewal of expiring grants will primarily impact already disturbed lands. Some new disturbance will occur at fiber optic cable installation sites by SCE line trucks within and adjacent to existing transmission line maintenance roads. These disturbances will be temporary in nature, and will be reclaimed after installation of the new fiber optic cable. Temporary disturbance areas will result in a minimum amount of new disturbance consistent with the Abengoa Mojave Solar EA, and mitigation measures assure that these areas will be identified, surveyed, and mitigated prior to the commencement of any field work. The connected action private land development will occur on 1,765 acres of predominantly fallow agricultural land. The project site is located immediately south of an existing solar energy facility, Harper Lake Solar Electric Generating Station (SEGS VIII and IX). Given the previously disturbed nature of the project site, impacts will be minimal. Mitigation measures will avoid, reduce, and compensate for all impacts, and will ensure that impacts will be less than significant.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the SCE fiber optic installation on the five existing electrical transmission lines and from the non-federal connected action. As a result, I have determined that a FONSI is consistent with regard to each of the ten factors. The basis of these conclusions is summarized briefly below:

1. Impacts that may be both beneficial and adverse.

Potential impacts include: vegetation removal, soil disturbance and temporary noise and dust due to aerial fiber optic line placement, new wooden pole drilling and fiber optic installation (pull) sites. However, none of these impacts would be significant at the local scale or cumulatively because of the minor relative scale of the project and project design features detailed in the EA that would reduce erosion and visual impacts to immeasurable levels. The addition of these lines will reduce the potential for widespread electrical outages by allowing for more timely redistribution of electric transmission, thus minimizing the potential for transmission overload in the system. Potential construction impacts from the non-federal action could include vegetation removal, soil disturbance, temporary noise and dust, and loss of low quality habitat. Operation of the solar facility could also potentially impact water resources. However, these impacts would not be significant locally or cumulatively because of the disturbed nature of the project site, the lower water demands of a solar site

compared with agricultural uses, and the design features and required mitigation measures discussed in the Abengoa Mojave Solar EA.

2. The degree to which the proposed action affects public health and safety.

The EA fully analyzed potential impacts to public health and safety, and no aspects of the project have been identified as having the potential to significantly impact public health or safety. Standard safety precautions will be in place during construction to avoid safety hazards along the existing maintenance road for other public land users.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The BLM project area is within the Fremont-Kramer Desert Wildlife Management Area (DWMA), while the non-federal action lies outside of the DWMA. Both the BLM and non-BLM portions of the project are southwest of the Black Mountain Wilderness. However, the project will not significantly affect these resource values. The U.S. Fish and Wildlife Service (FWS) Biological Opinion concluded that the project will not result in substantial loss of habitat in the DWMA, and imposed mitigation measures to limit impacts to desert tortoises. Any disturbance from the project will occur outside of and downwind of the designated wilderness area. The project area is located adjacent to the Harper Dry Lake Area of Critical Environmental Concern (ACEC), but neither the new transmission lines nor the ancillary fiber optic facilities are anticipated to directly or indirectly impact the Harper Dry Lake ACEC.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

No anticipated effects have been identified that are scientifically controversial. The fiber optic lines are being added to existing lines and have been deemed essential by the Department of Homeland Security for the safe operation of the electrical transmission system and no substantial scientific evidence has been brought forward to dispute this finding. The non-federal connected action is on private, previously disturbed agricultural land, rather than on more sensitive conservation lands or critical habitat, thus decreasing the level of controversy.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The analysis does not show that this action would involve any unique or unknown risks. Construction, operation, maintenance and reclamation activities associated with these lines are very similar to the same activities for the transmission lines to which they are being added, which have been ongoing for decades. Likewise, the non-federal connected action solar energy facility will be located on private lands next to existing solar plants with similar technology and hardware that have been operating for years.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The upgrading and improvement of FLPMA ROW grants to respond to current needs is a regular practice employed as part of adaptive management of these grants, and is not precedent setting.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Authorization of new ROW grants and ongoing improvements that serve public utility transmission systems has been analyzed in the BLM CDCA Plan and subsequent plan amendments. These analyses have resulted in the designation of utility corridors and communication sites, mechanisms for consideration of new facilities as the need arises, and subsequent programmatic agreements for ongoing operations and maintenance activities. No significant site specific or cumulative impacts associated with the BLM action or the non-federal connected action have been identified that could not be avoided through mitigation, or that are inconsistent with those identified and analyzed within the above plans and programs.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

The project area of potential effect includes four sites determined to be eligible for the National Register of Historic Places, but the project will have no adverse effect on these properties. No Traditional Cultural Properties have been identified, and no historic properties will be affected. Potentially affected Indian tribes have been notified, and formal consultation for the NHPA Section 106 process has been completed.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

One listed species, the federally- and State-threatened Desert Tortoise (*Gopherus agassizii*) is known to occur in the project area of potential effect, and major portions of the five BLM ROW are located within designated critical habitat for this species. A biological opinion was provided by the USFWS as part of Endangered Species Act consultation for the entire Abengoa Mojave Solar energy generation project, including the five fiber optic lines. The FWS concluded in its biological opinion that the proposed project is "not likely to jeopardize the continued existence of the desert tortoise." FWS biological opinion at 39 (Mar. 17, 2011). The FWS identified specific measures to minimize impacts to desert tortoise. The BLM concurs with these protection measures in the biological opinion, which will be incorporated as stipulations in the ROW grant instruments, along with additional standard BLM stipulations to minimize direct and indirect impacts to listed species. Thus, the project will not have a significant impact on Desert Tortoise or its habitat.

10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The approval of these grants across public lands does not threaten such a violation, nor does the non-federal segment of the project.

I have determined that the Proposed Action will not significantly affect the quality of the human environment and that the preparation of an EIS is not required.

Roxie C. Frost

Field Manager, Roxie C. Frost
Barstow Field Office

July 6, 2011

Date



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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JUN 29 2011

In Reply Refer To:

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CACA 52616, CACA 52096, CACA 21596, CALA 30913, CARI 1280

Memorandum

To: Office of the Deputy Secretary

Through: Robert V. Abbey
Director

From: Peter J. Ditton
Acting State Director

Subject: Recommendation for final Departmental approval of the right-of-way applications for transmission associated with a private land solar energy generation facility in California from Abengoa Solar, Inc.

The attached file contains the decision document allowing the authorized officer to offer the right-of-way grants associated with an application filed by Abengoa Solar, Inc. for transmission upgrades supporting the development of a private land solar energy generating facility in San Bernardino County, California.

The Bureau of Land Management is recommending approval of the decision as the final decision of the Department. The Department of Energy has indicated that the applicant is working toward qualifying this project for available renewable energy loan guarantee funding and in order to qualify for such funding the decision on the project is time sensitive.

The file contains supporting materials on the project including maps, a briefing paper, and a copy of the right-of-way grants to be issued.

Attachments