BLM

United States Department of the Interior
Bureau of Land Management

TYLERHORSE WIND PROJECT

DRAFT PLAN AMENDMENT/ ENVIRONMENTAL IMPACT STATEMENT

Volume 2 of 2

April 2014

CACA #053958

Publication Index #: *BLM/CA/PL-2014/014+1793*

APPENDIX A

Figures

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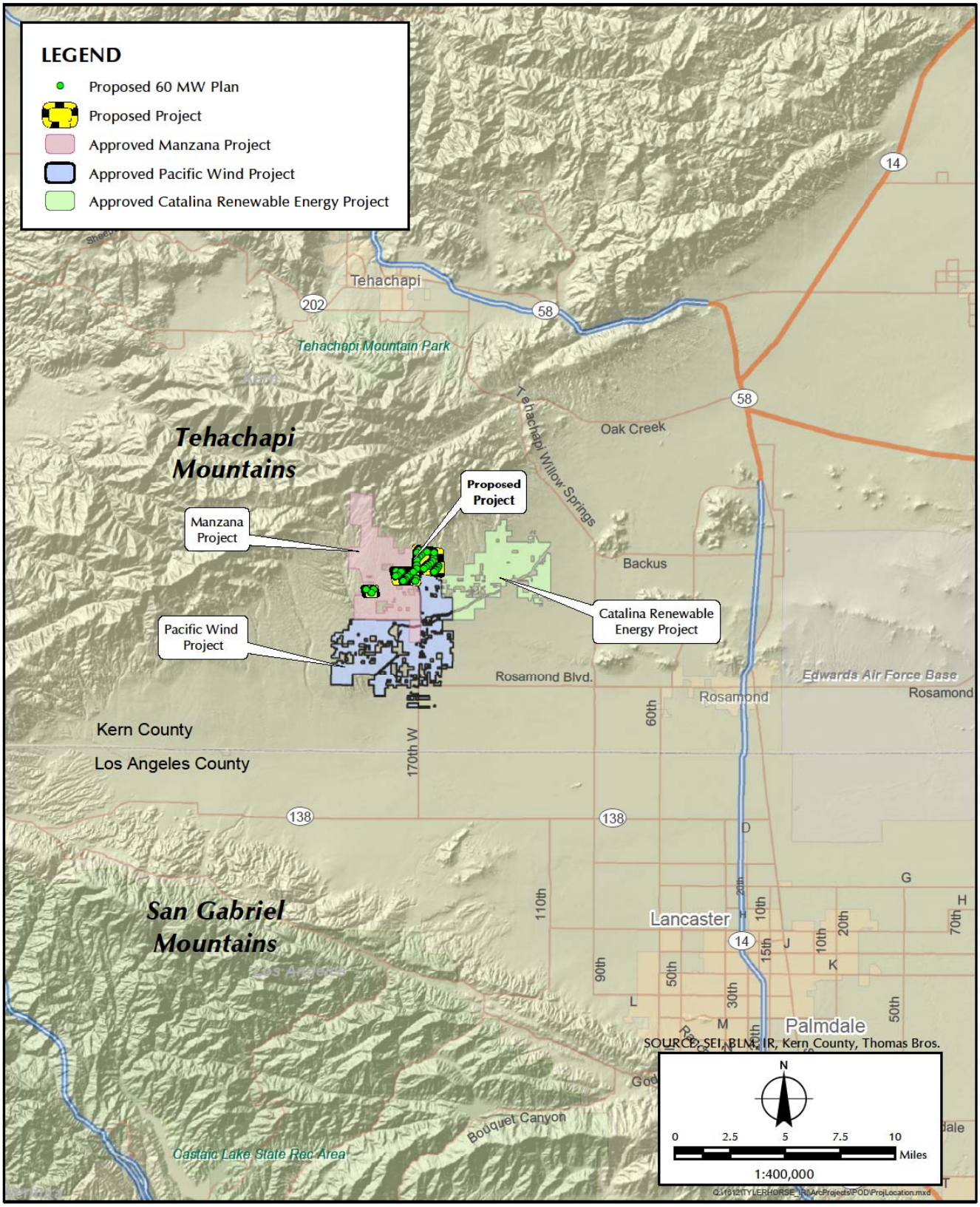
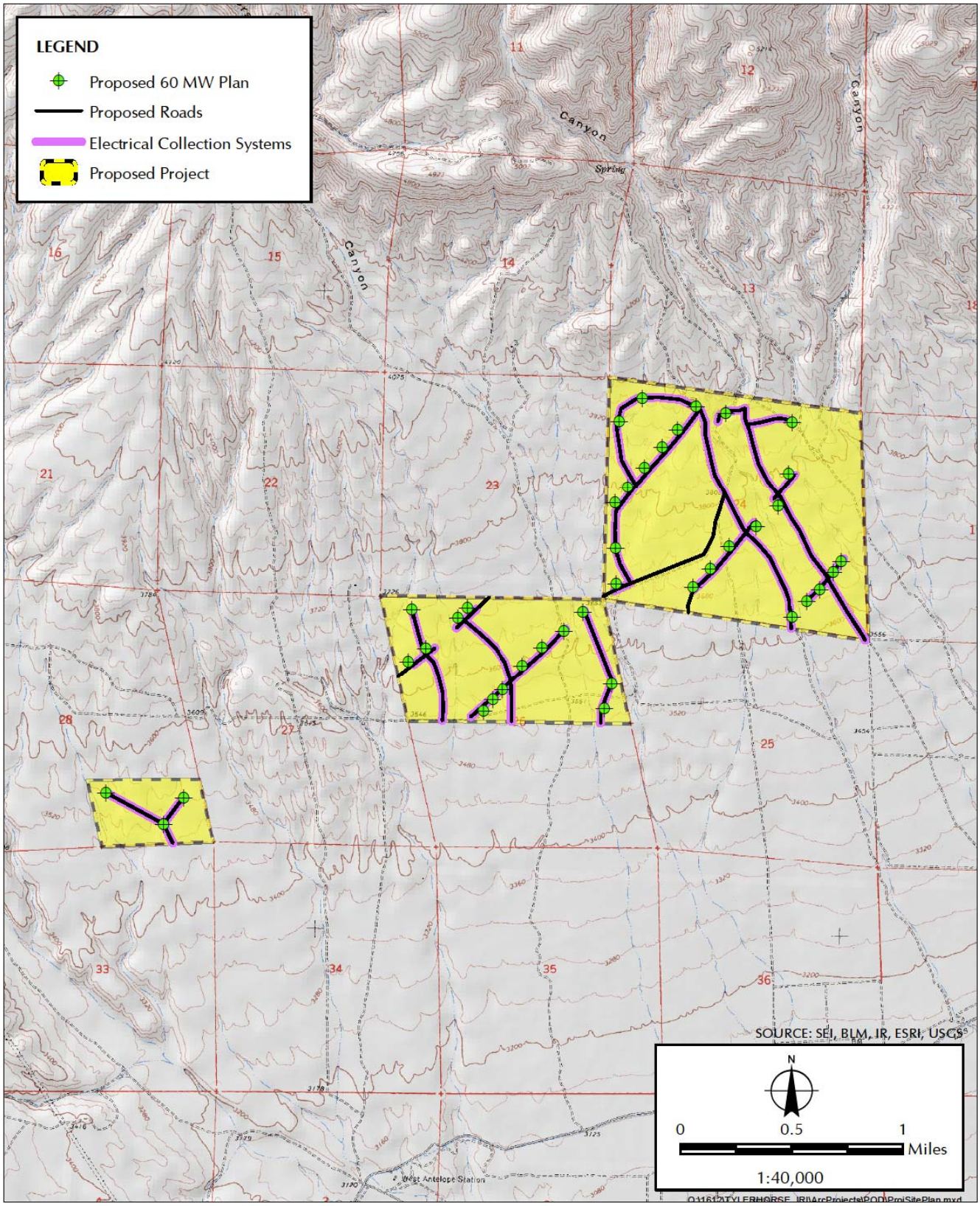


SOURCE: Heartland Wind, 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 2-1
Project Location



SOURCE: Heartland Wind, 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 2-2
Conceptual Layout

SOURCE: Heartland Wind, 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 2-3
Wind Turbine Examples

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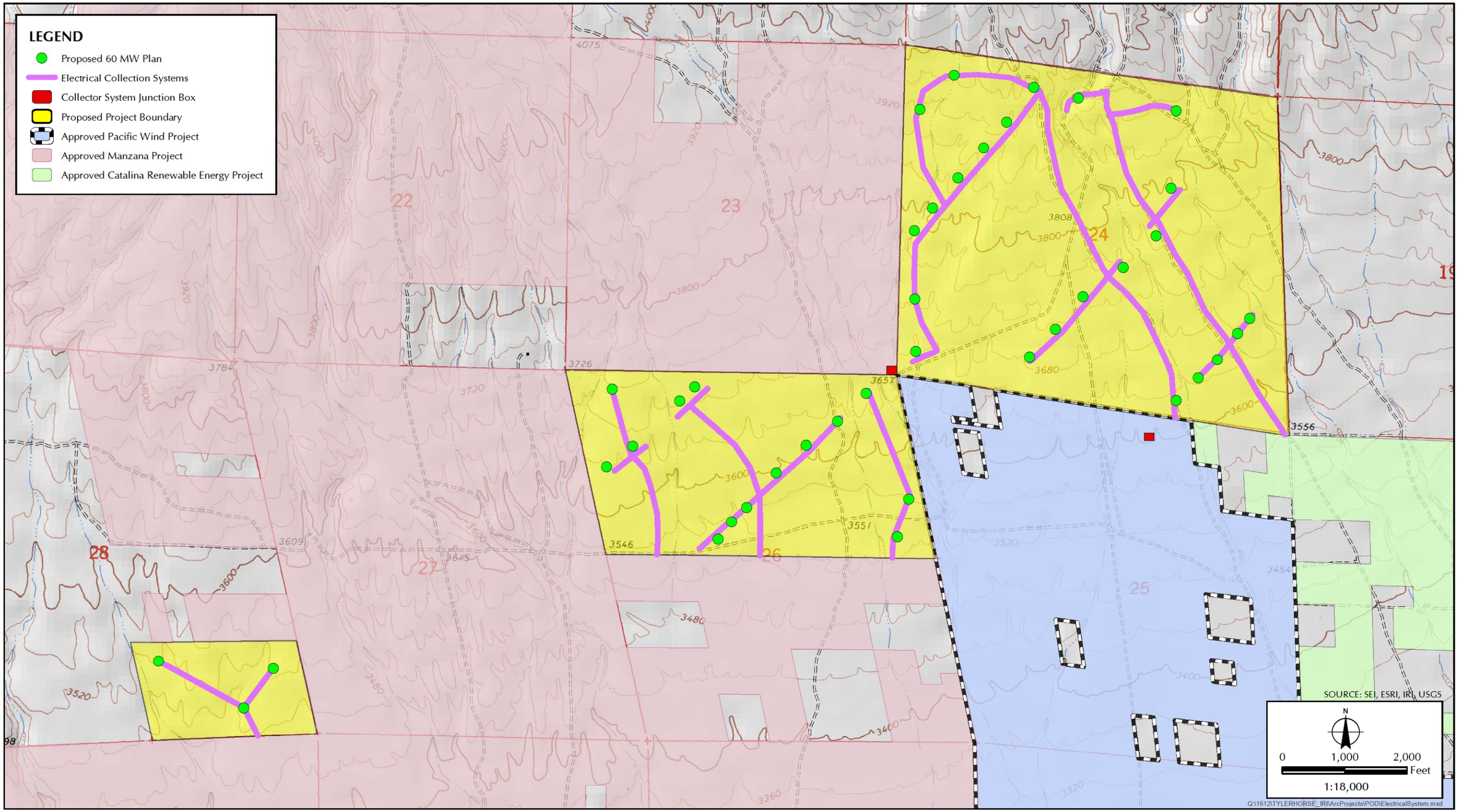

SOURCE: Heartland Wind, 2014.

Figure 2-4
Location and Pathway of Underground Electrical System

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SOURCE: Heartland Wind, 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 2-5

Typical Turbine Tower Delivery Truck

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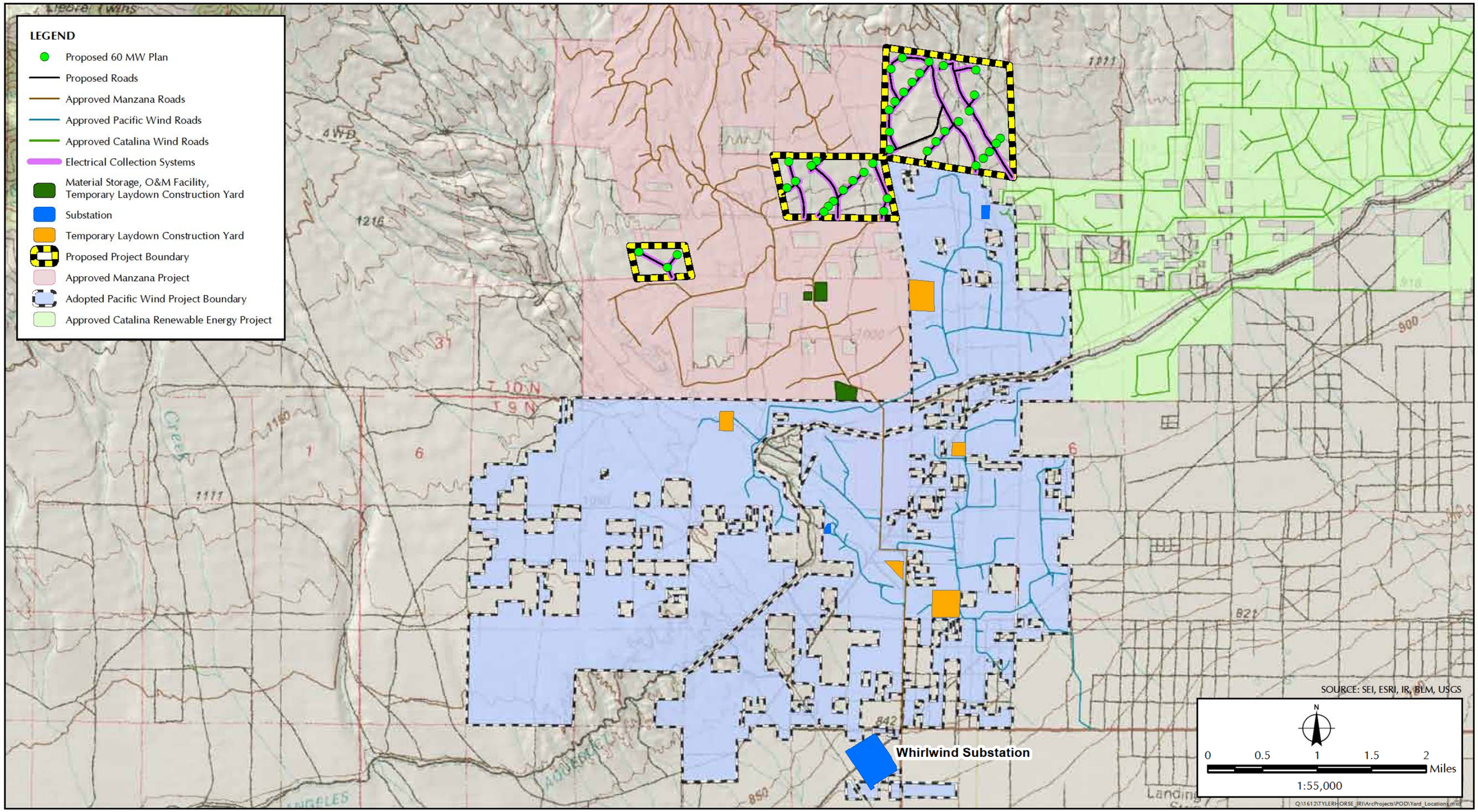

SOURCE: Heartland Wind, 2014.

Figure 2-6
Laydown Areas, Material Storage, O&M Facility, and Substations in the Proposed Tylerhorse Project

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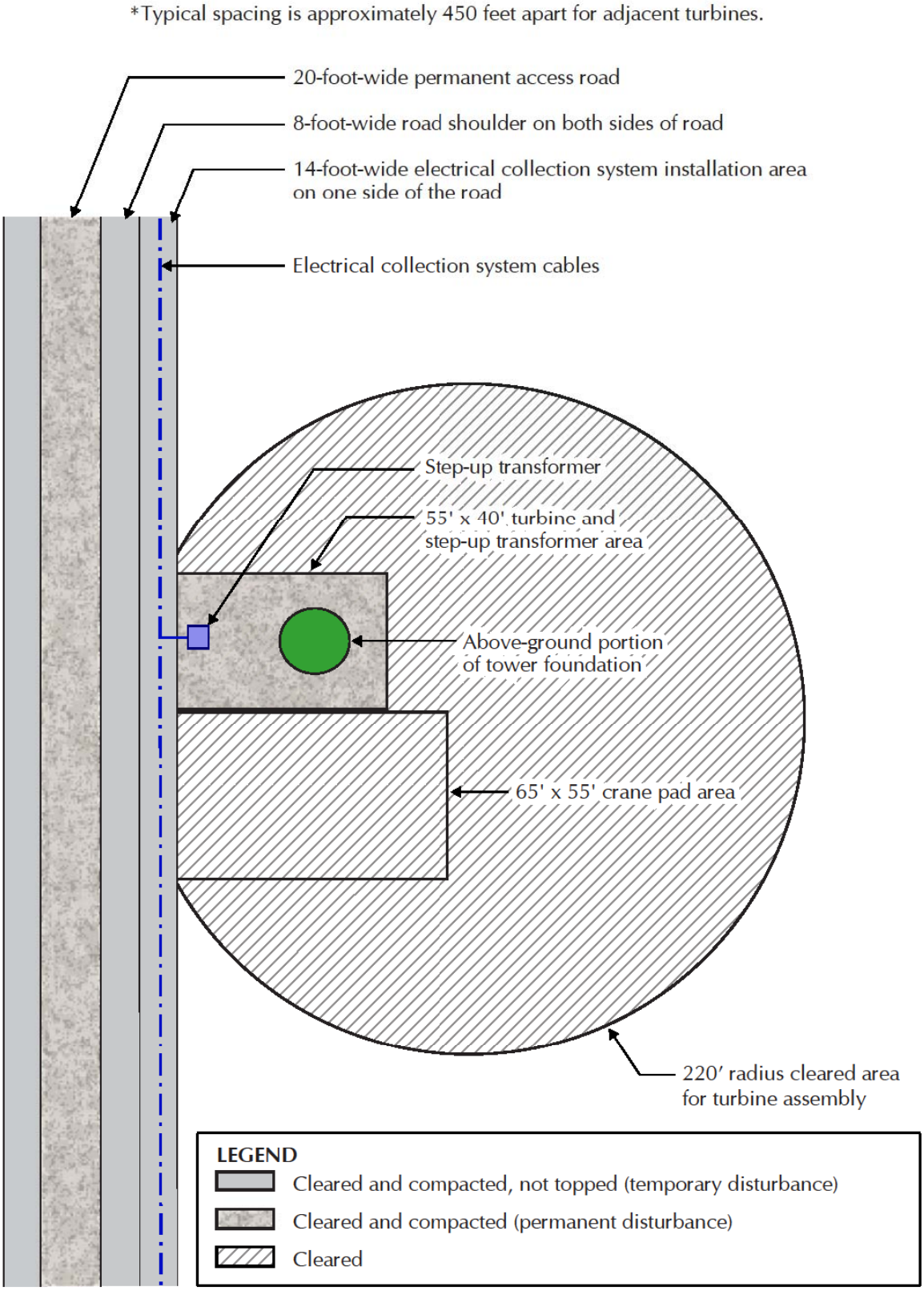


SOURCE: Heartland Wind, 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 2-7
Typical Wind Turbine Site
Work Area and Pads

SOURCE: Heartland Wind, 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 2-8
Turbine Erection

SOURCE: Heartland Wind, 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 2-9
Aerial View of Preparations to Erect a Wind Turbine Tower

SOURCE: Heartland Wind, 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 2-10
Installation of a Rotor

SOURCE: Heartland Wind, 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 2-11
Rotor Assembly

SOURCE: Heartland Wind, 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 2-12

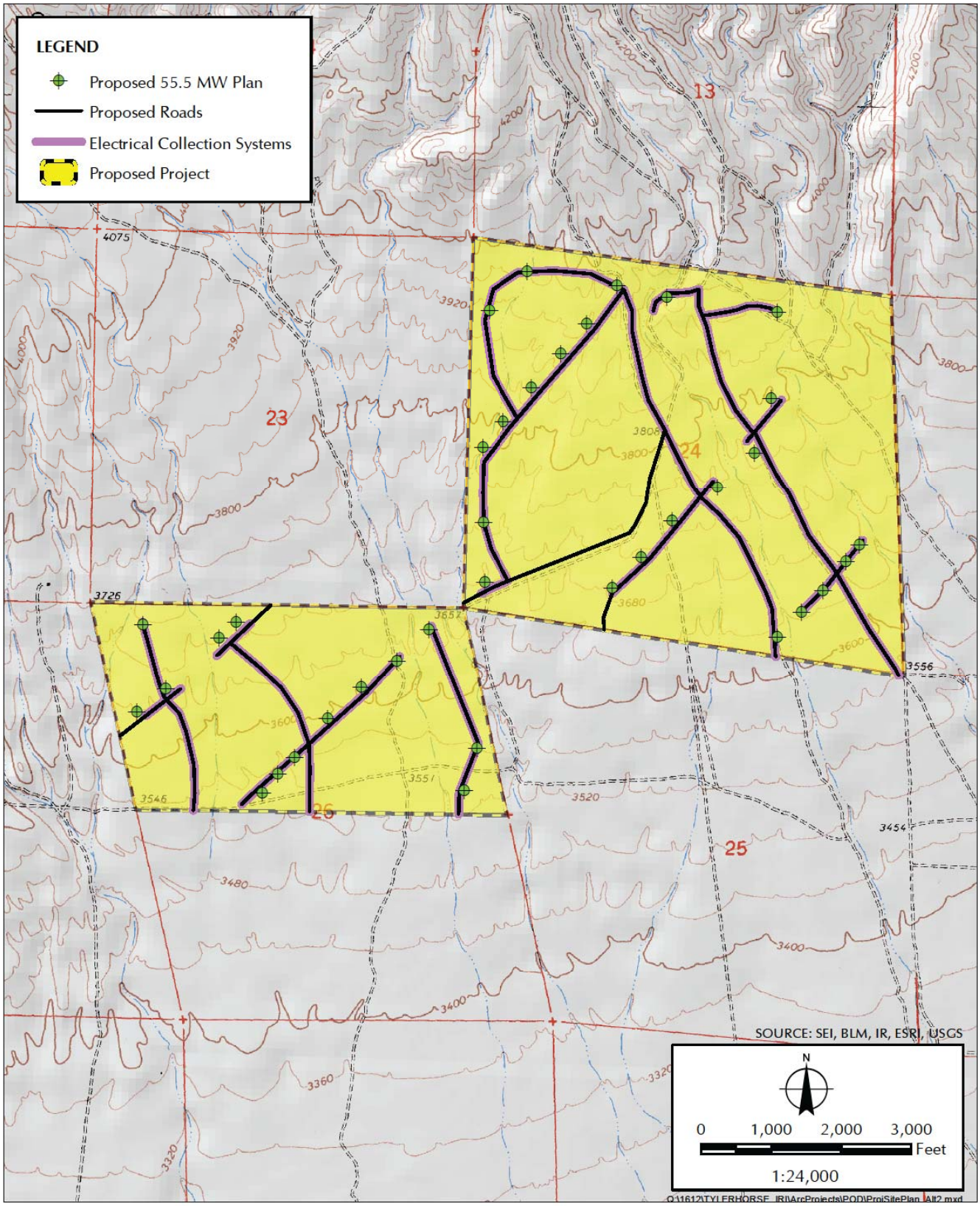
Typical Pad-Mounted Transformer

SOURCE: Heartland Wind, 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 2-13

Typical Underground Collector Cable Trench



SOURCE: Heartland Wind, 2014.

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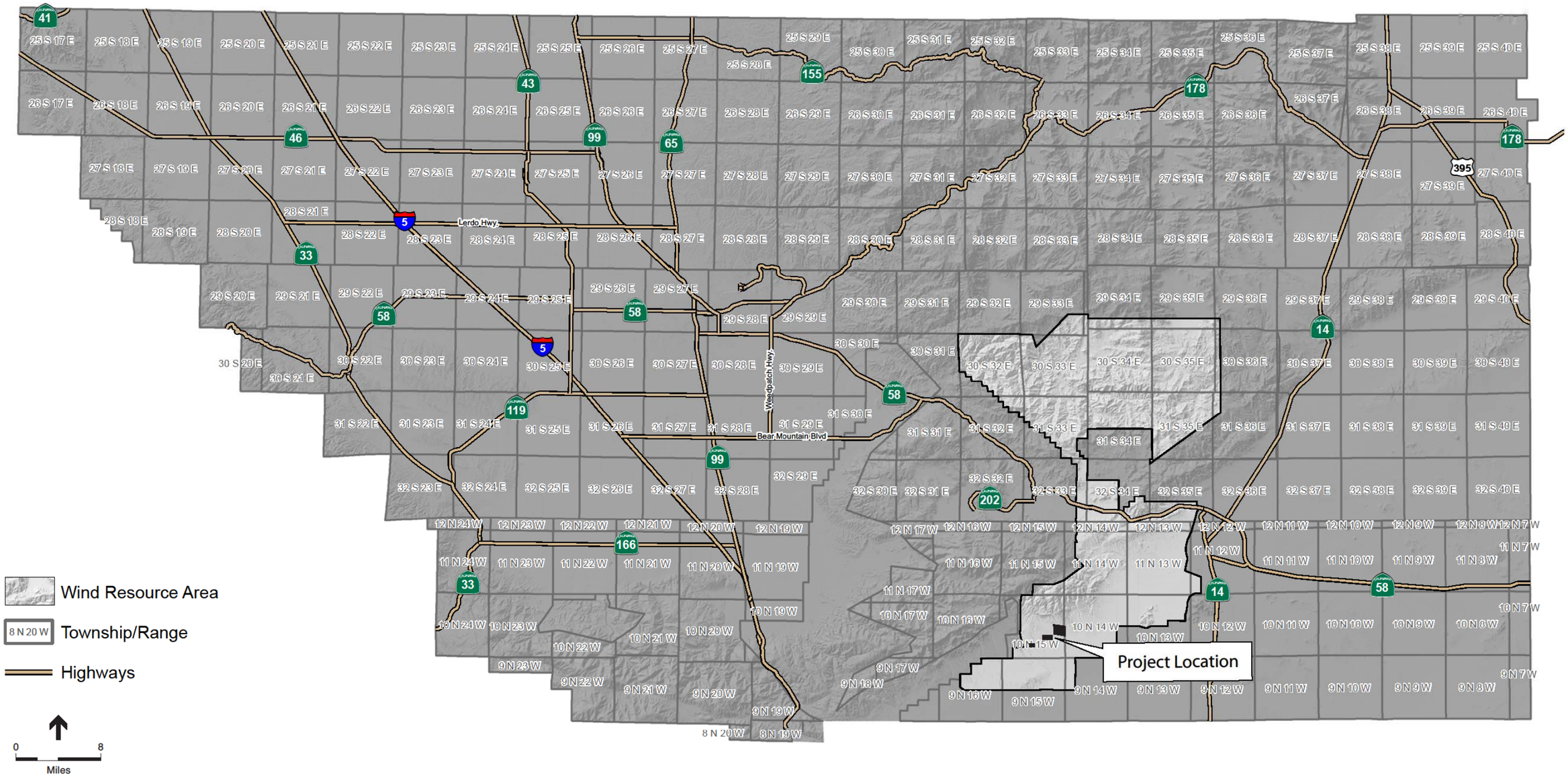
Figure 2-14
Alternative 2: 37 Wind Turbine Generators
Site Layout



SOURCE: Kern County, 2011.

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Figure 3.6-1

Tehachapi Wind Resource Area (TWRA)

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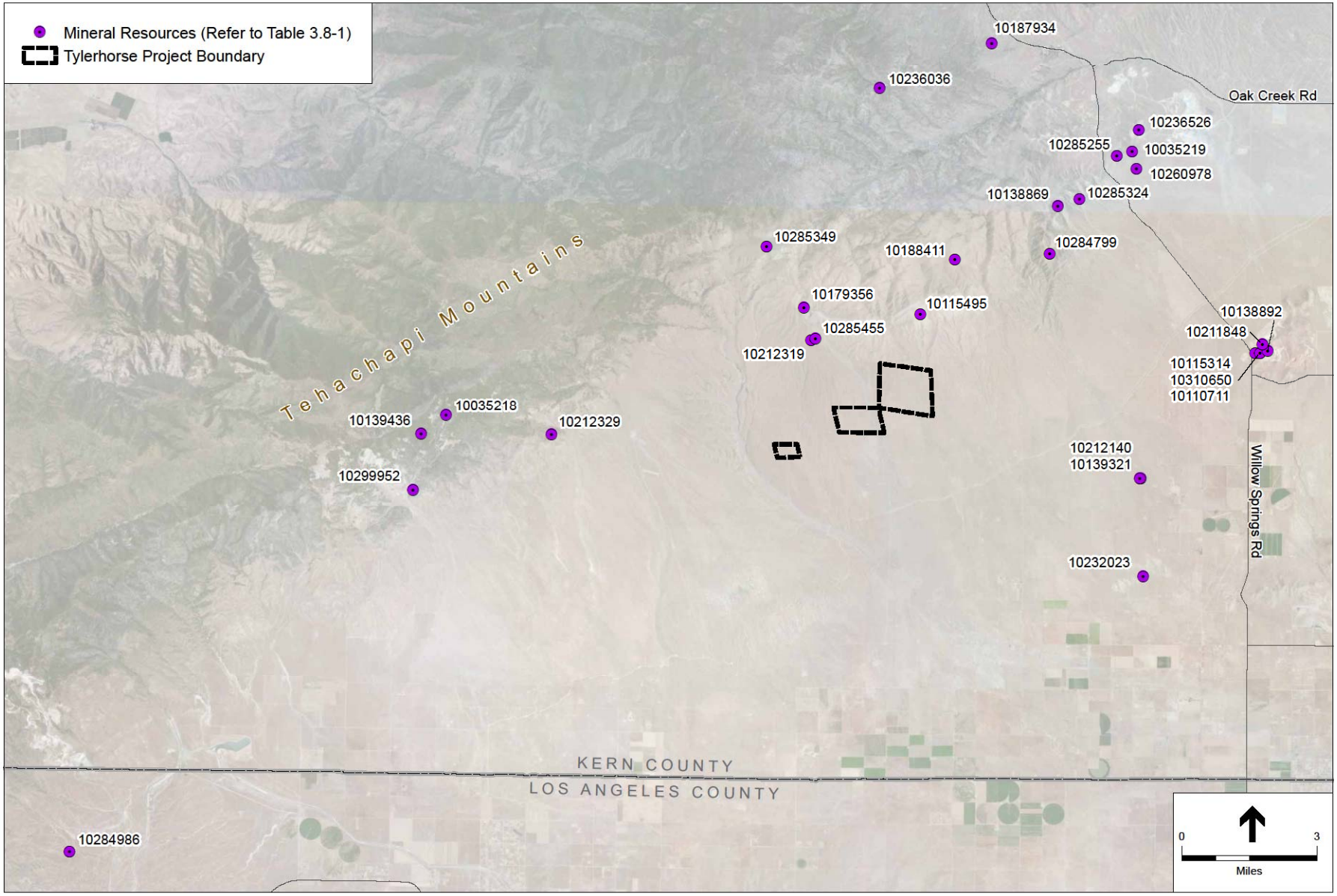

SOURCE: Bing Maps, 2009, Kern County GIS, 2010, and ESA, 2012

Tylerhorse Wind Energy Project . 211195

Figure 3.8-1
Mineral Resources

COMMON OUTDOOR ACTIVITIES	NOISE LEVEL (dBA)	COMMON INDOOR ACTIVITIES
	110	Rock band
Jet flyover at 1,000 feet		
	100	
Gas lawnmower at 3 feet		
	90	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	80	
Noisy urban area, daytime		
Gas lawnmower at 100 feet	70	Garbage disposal at 3 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	60	
		Large business office
Quiet urban daytime	50	Dishwasher in next room
Quiet urban nighttime	40	Theater, large conference room (background)
Quiet suburban nighttime		
	30	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	20	
		Broadcast/recording studio
	10	
	0	

SOURCE: Caltrans, 2009

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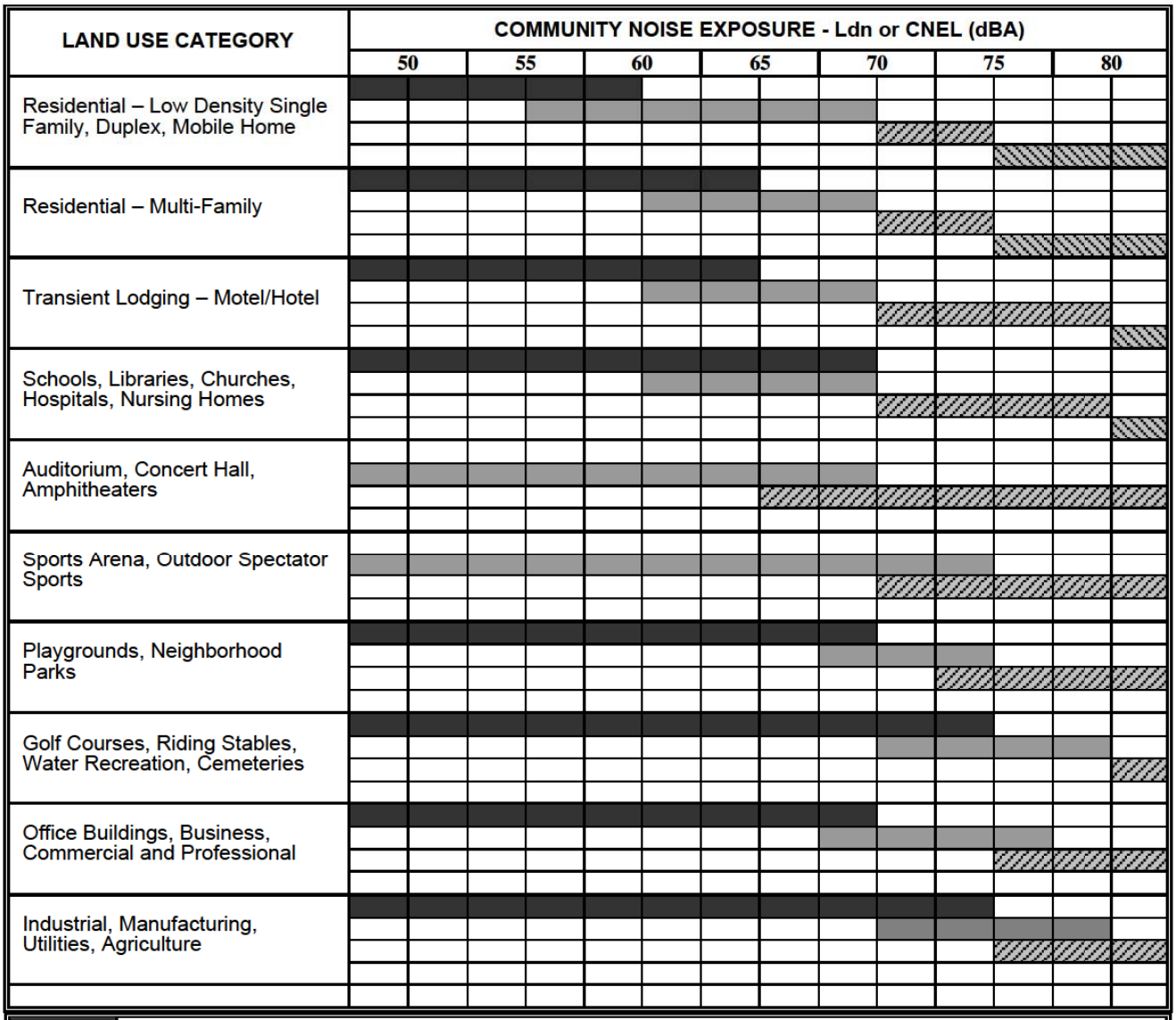
Figure 3.9-1
Typical Noise Levels



SOURCE: State of California, Governor's Office of Planning and Research, 2003. *General Plan Guidelines*. October 2003.

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Figure 3.9-2
Land Use Compatibility for Community Noise Environment

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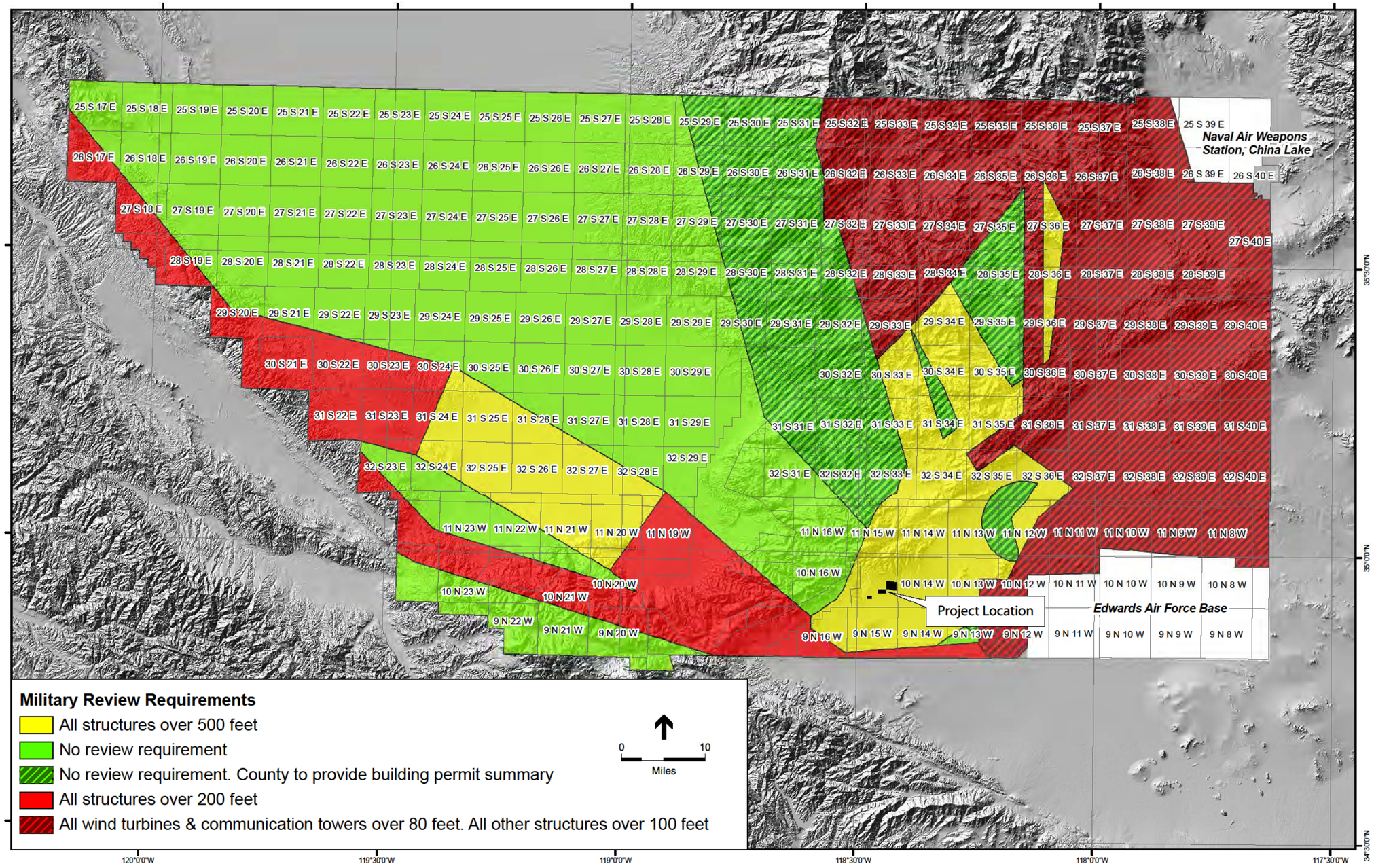

SOURCE: Kern County, 2011.

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Figure 3.11-1
Military Review Map

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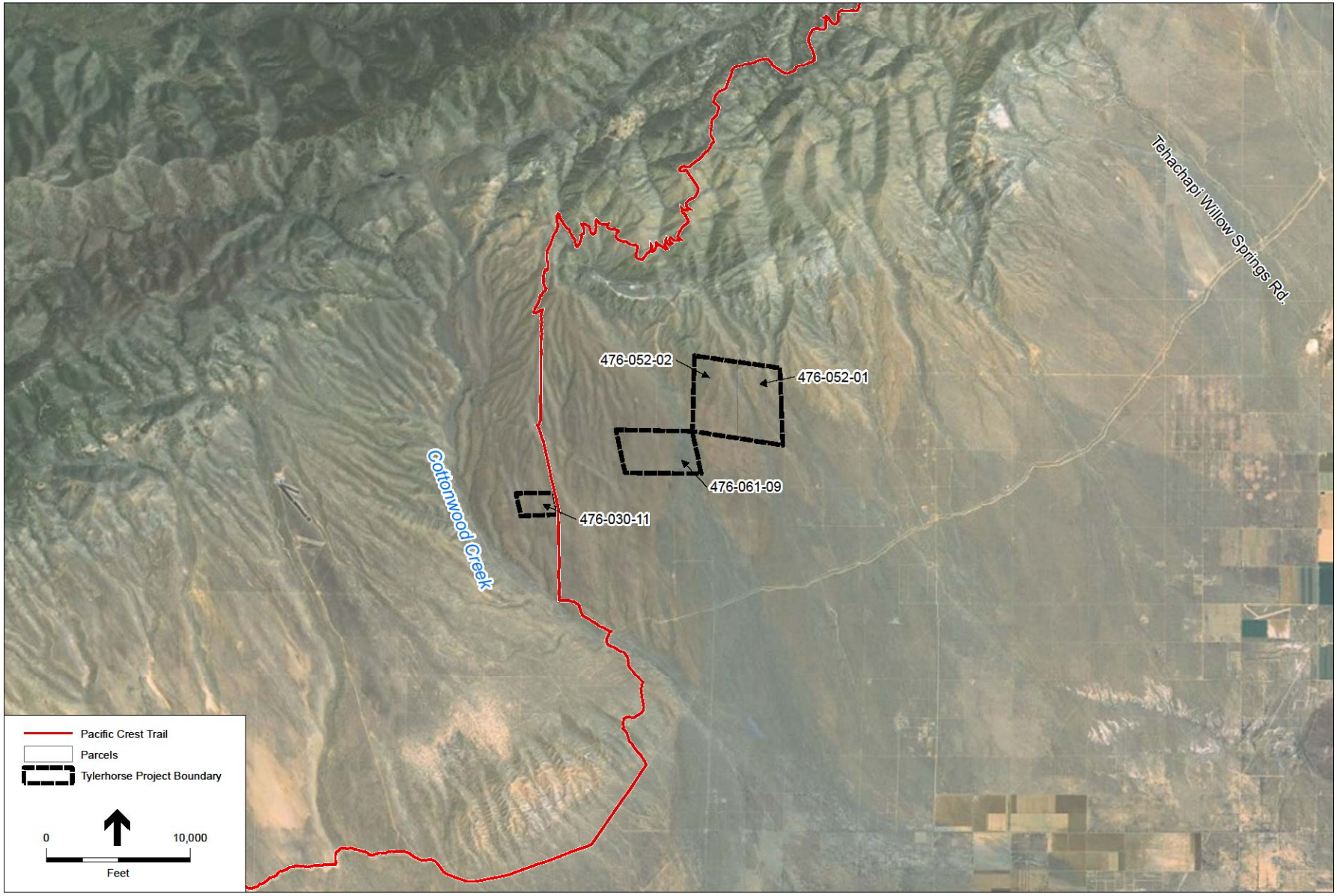
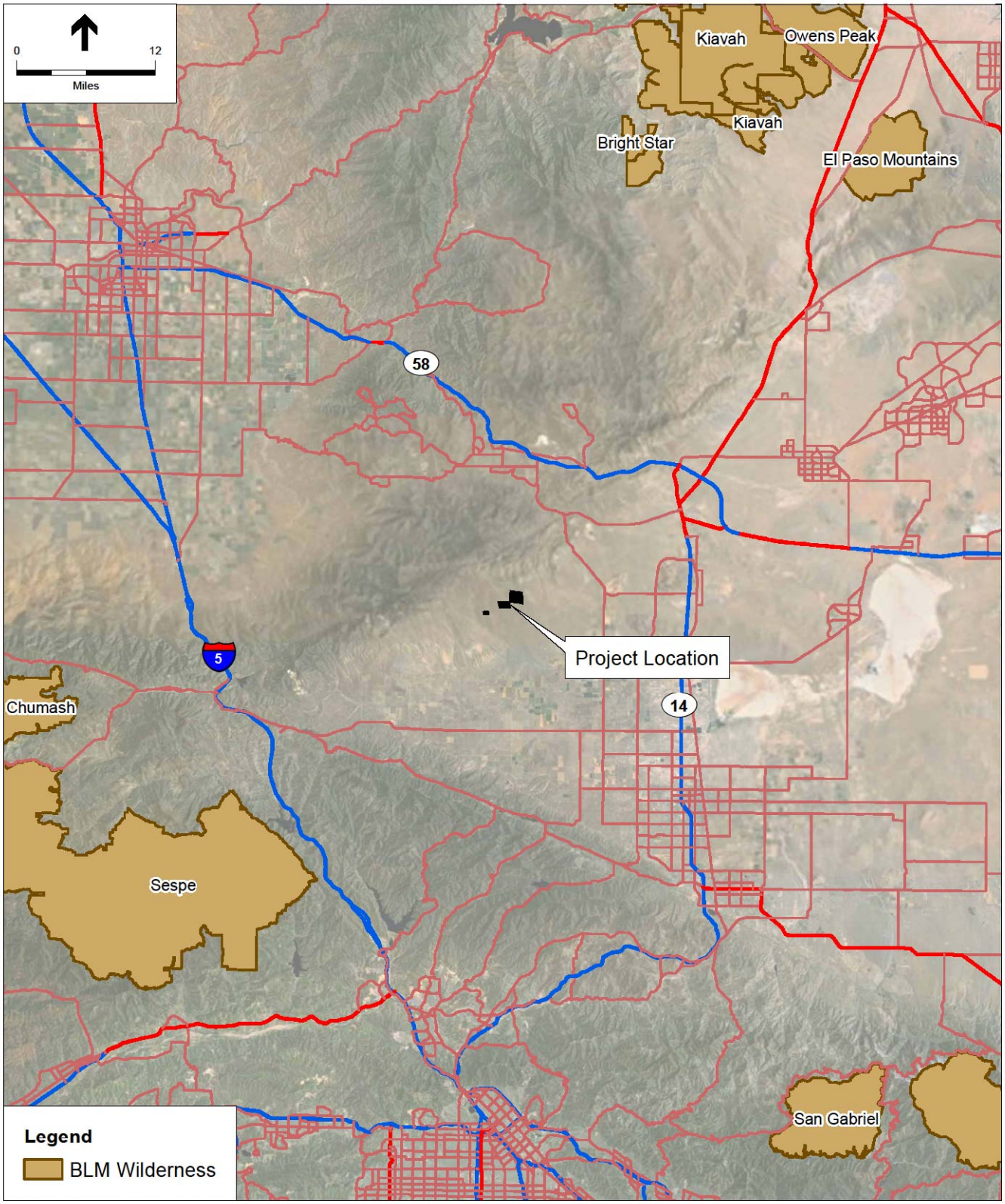


SOURCE: ESRI Imagery

Tylerhorse Wind Energy Project . 211195

Figure 3.12-1

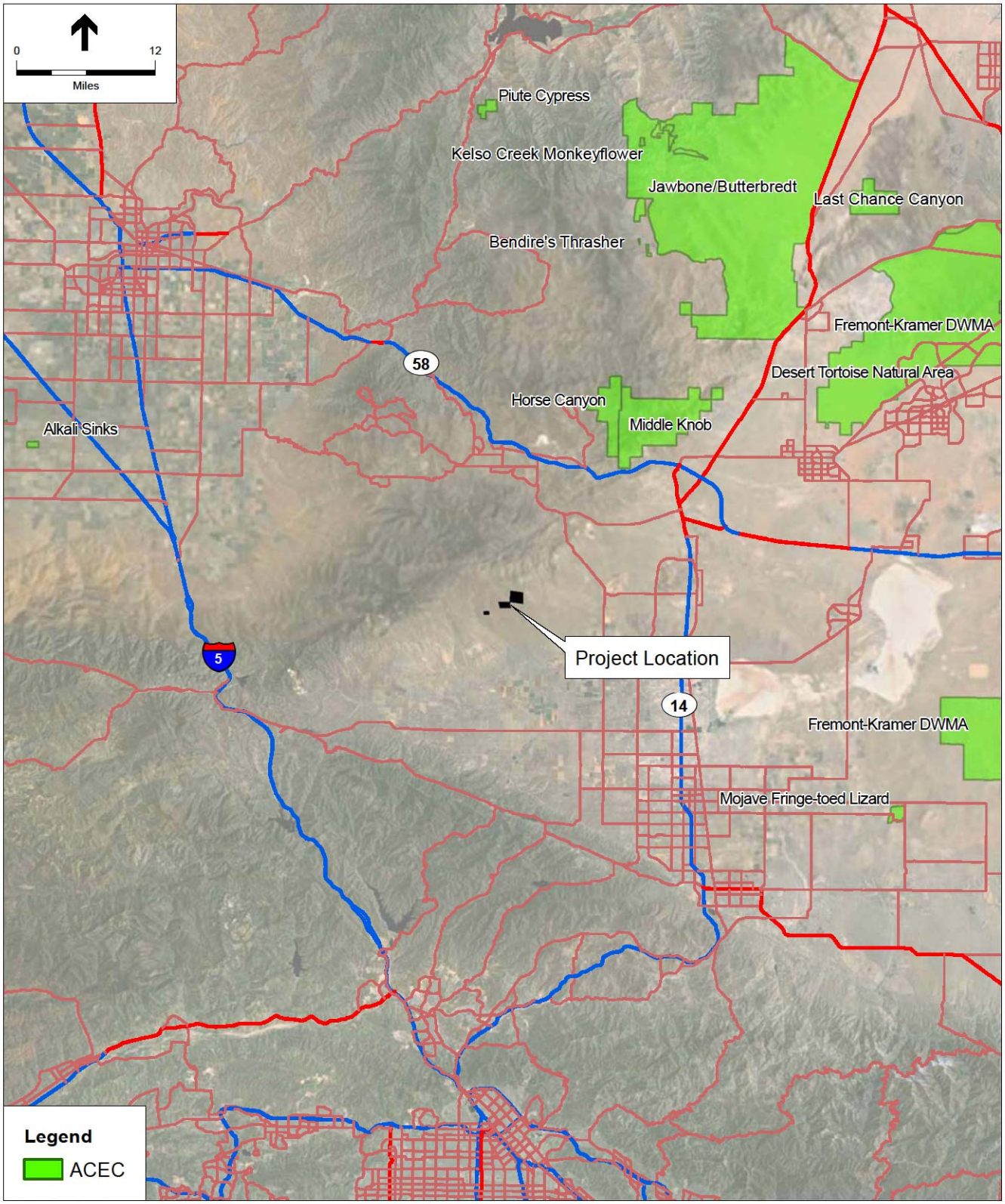
Project Location and Pacific Crest Trail



SOURCE: BLM

Tylerhorse Wind Energy Project. 211185

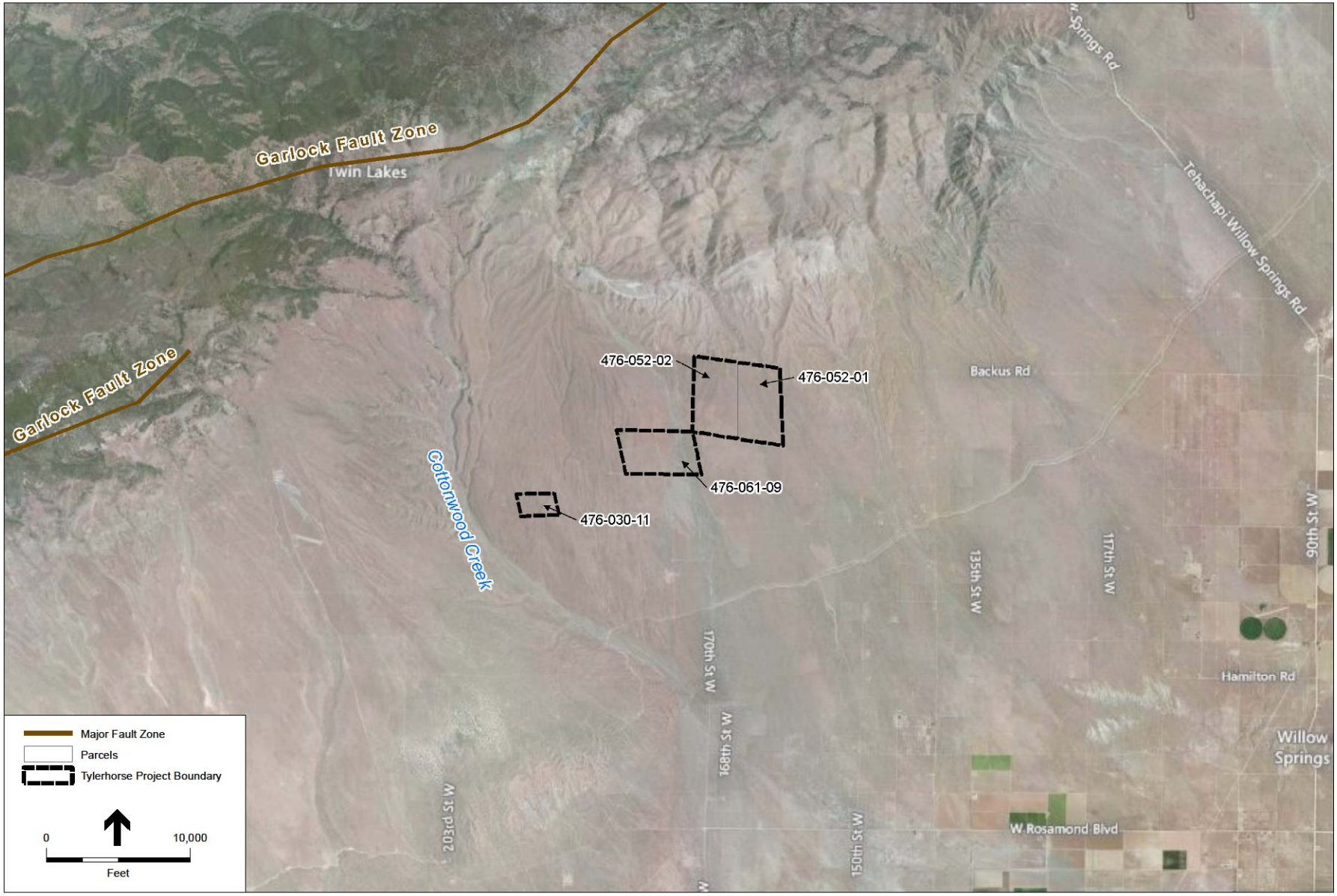
Figure 3.13-1
BLM Wilderness Area



SOURCE: BLM

Tylerhorse Wind Energy Project. 211185

Figure 3.13-2
ACEC

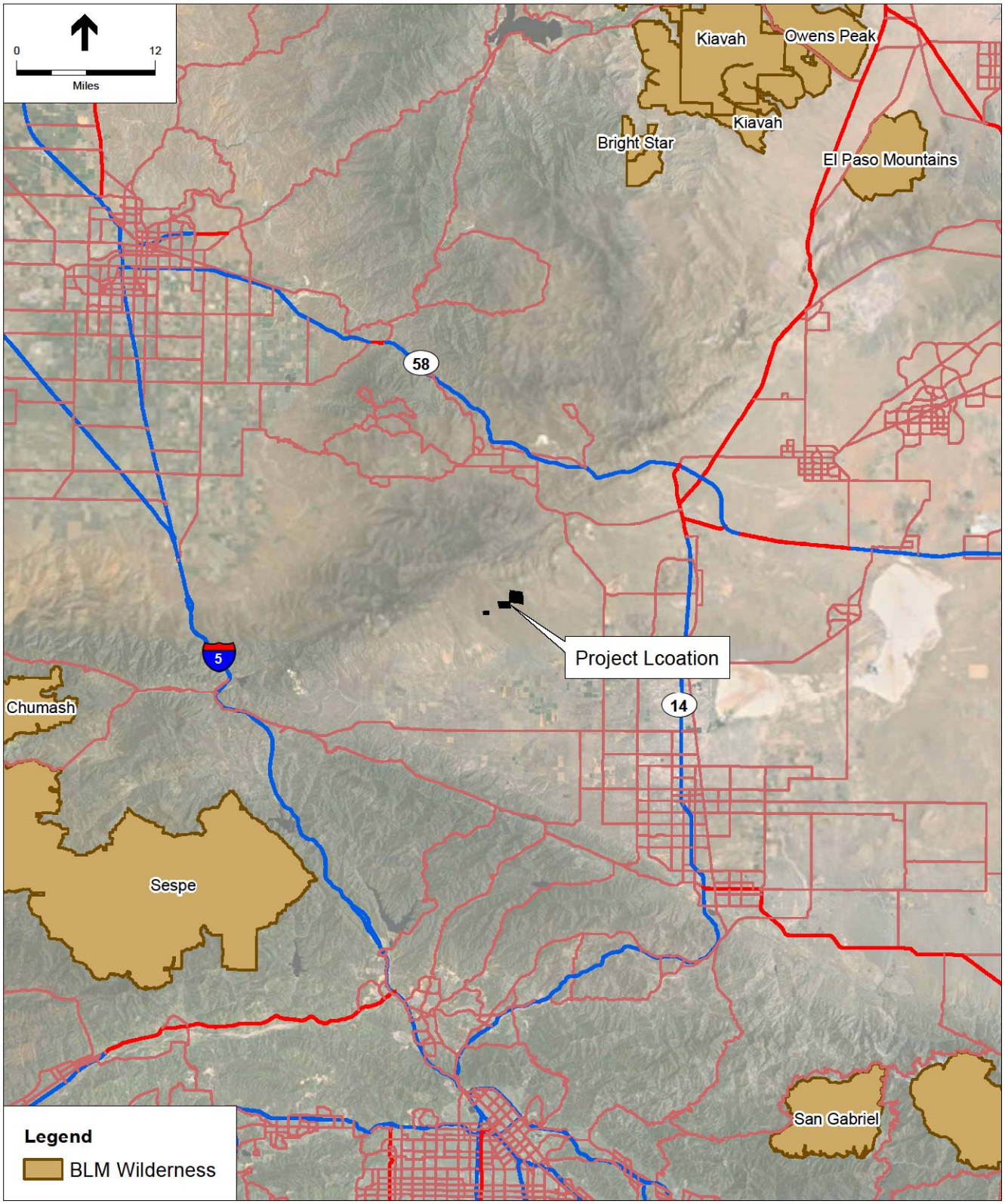


SOURCE: ESRI Imagery

Tylerhorse Wind Energy Project . 211195

Figure 3.14-1

Project Location and Garlock Fault

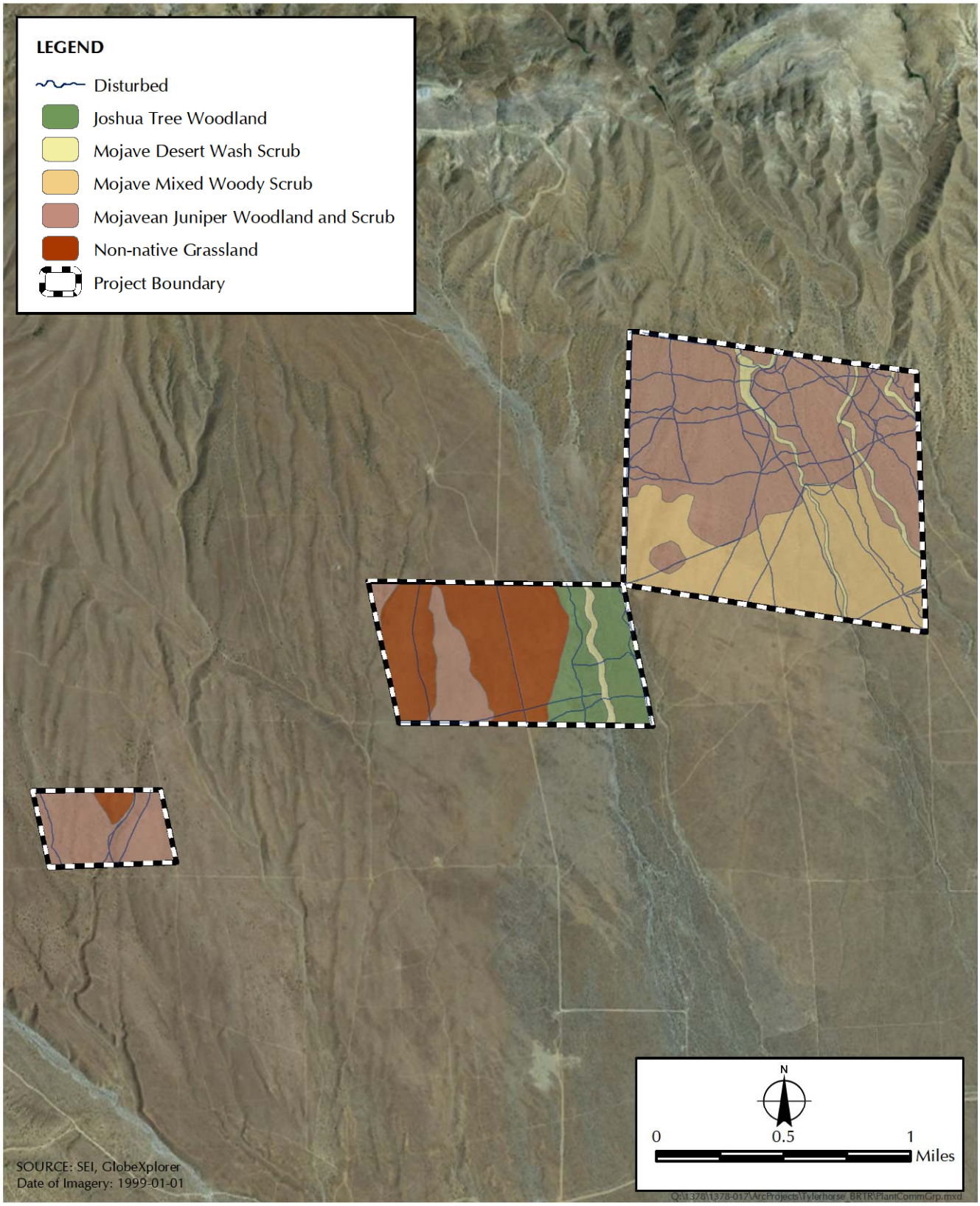


SOURCE: BLM

Tylerhorse Wind Energy Project. 211185

Figure 3.15-1

BLM Wilderness Area

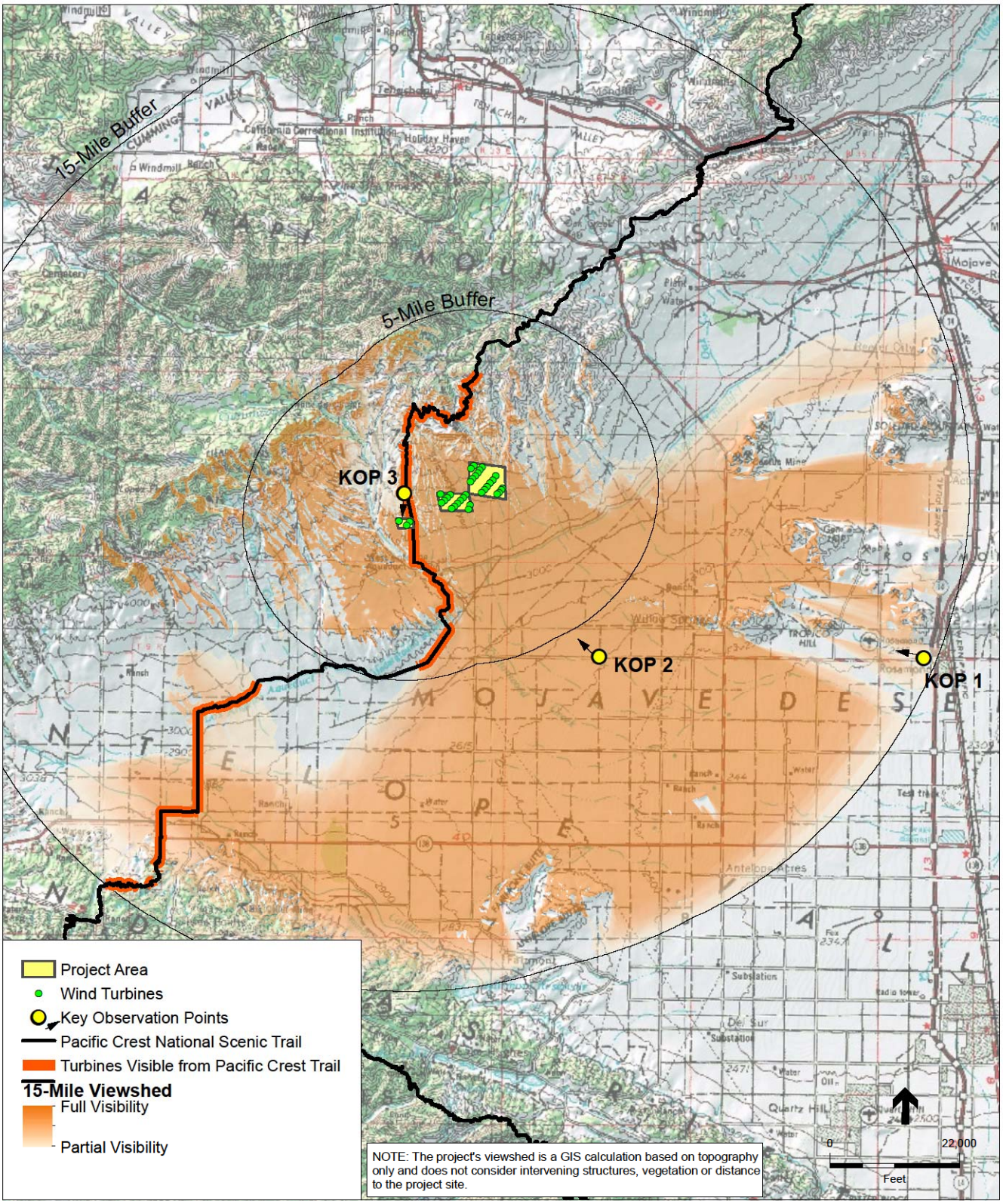


SOURCE: Enxco

Tylerhorse Wind Project PA/DEIS . 211185

Figure 3.17-1

Plant Communities within the Project



SOURCE: ESA, 2012; Sapphos, 2012

Tylerhorse Wind Energy Project . 211845

Figure 3.18-1
Project Viewshed

SOURCE: Sapphos, 2012.

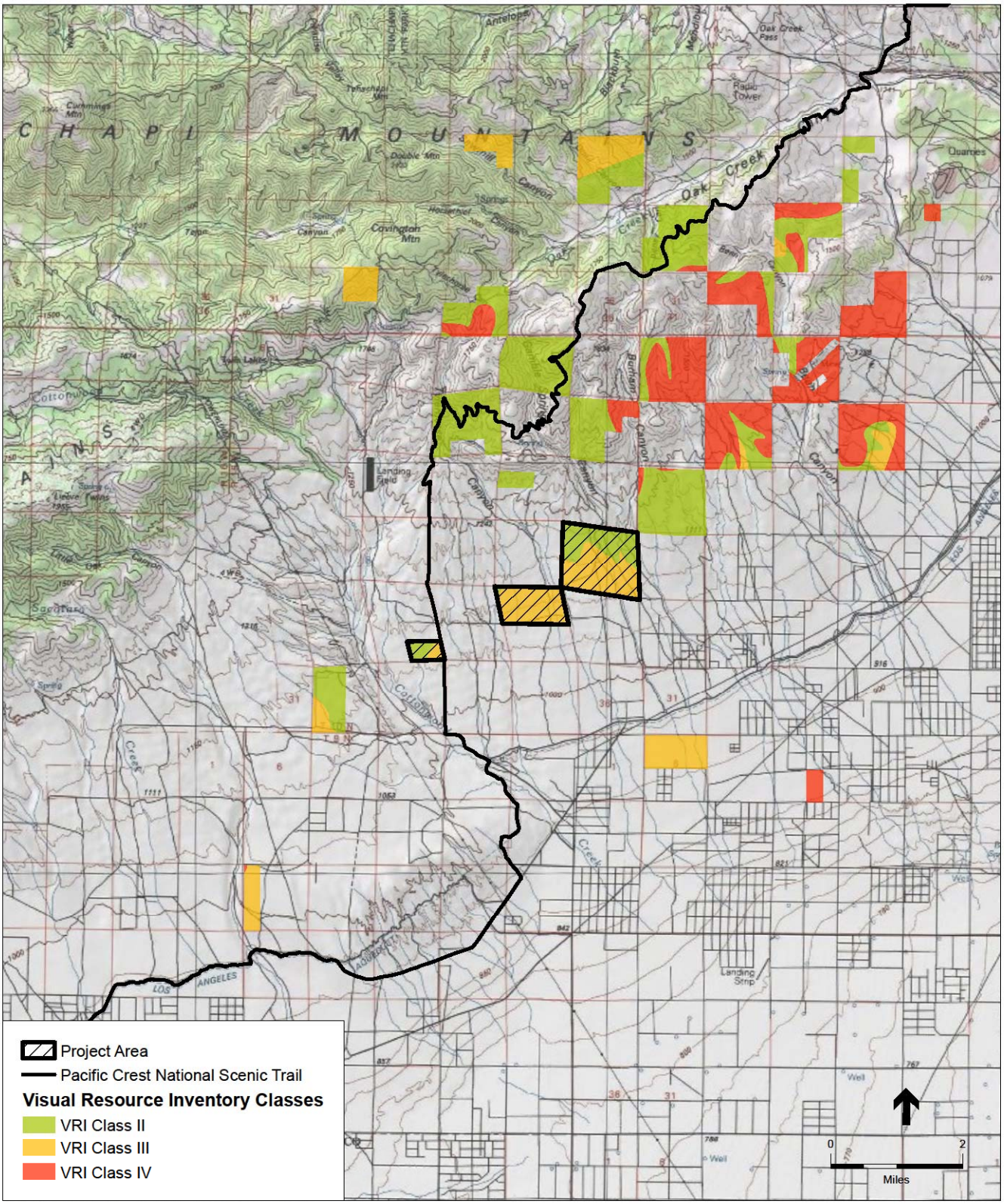
Tylerhorse Wind Project PA/DEIS . 211185

Figure 3.18-2a
Representative Photographs
of Project Vicinity

SOURCE: Sapphos, 2012.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 3.18-2b
Representative Photographs
of Project Vicinity

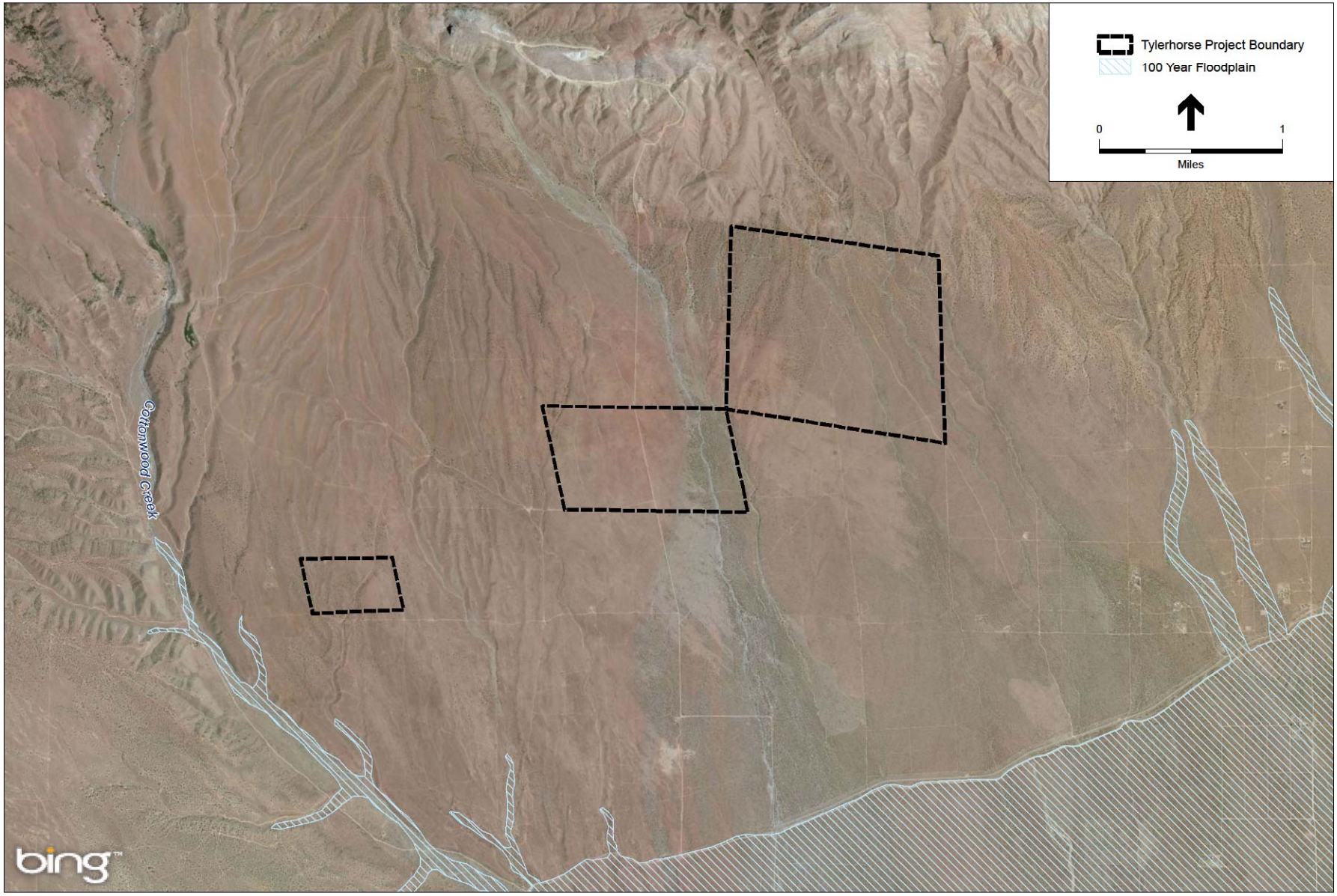


SOURCE: ESA, 2012; Otak, 2012

Tylerhorse Wind Energy Project . 211845

Figure 3.18-3

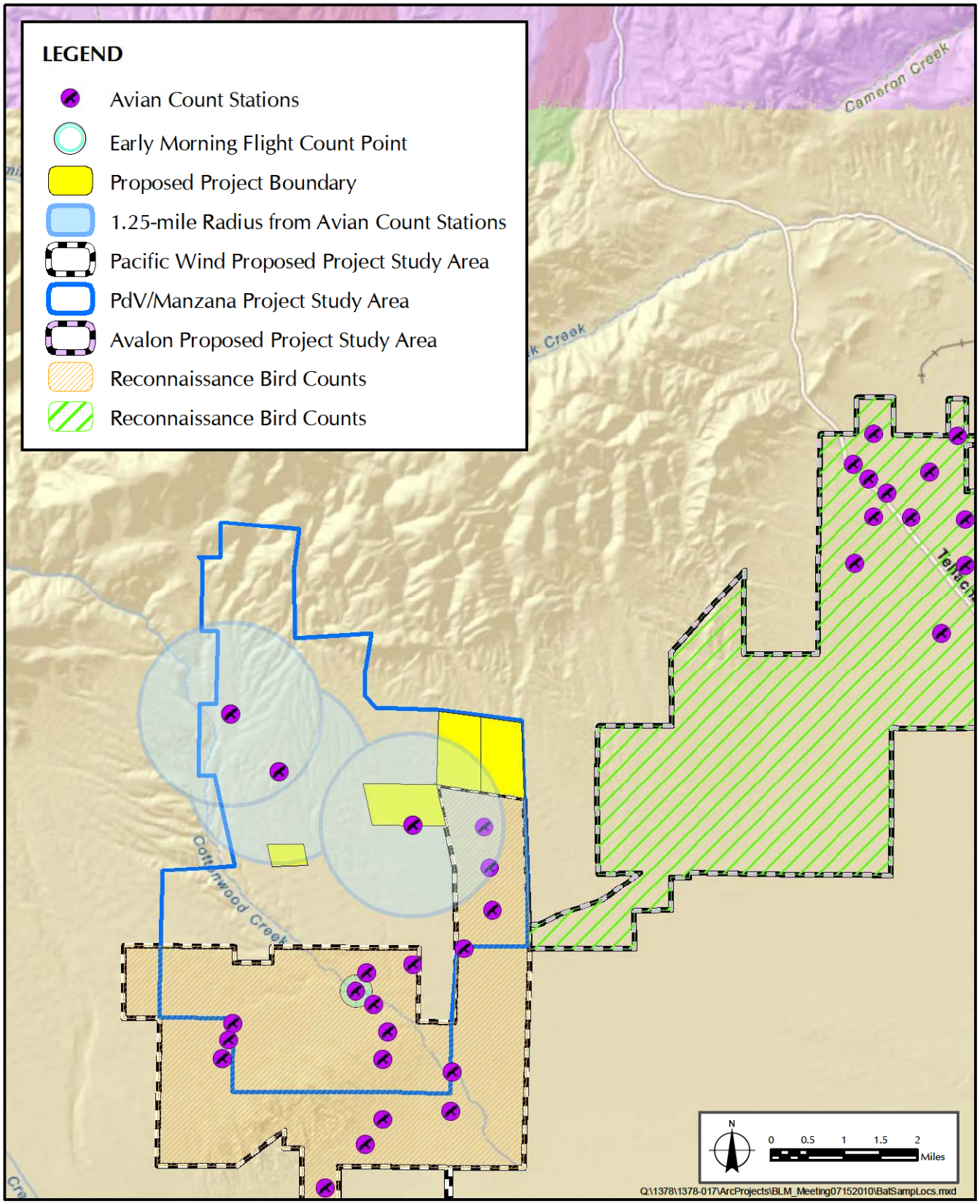
Visual Resource Inventory Classes



SOURCE: Bing Maps, 2013; FEMA, 2013

Tylerhorse Wind Energy Project . 211195

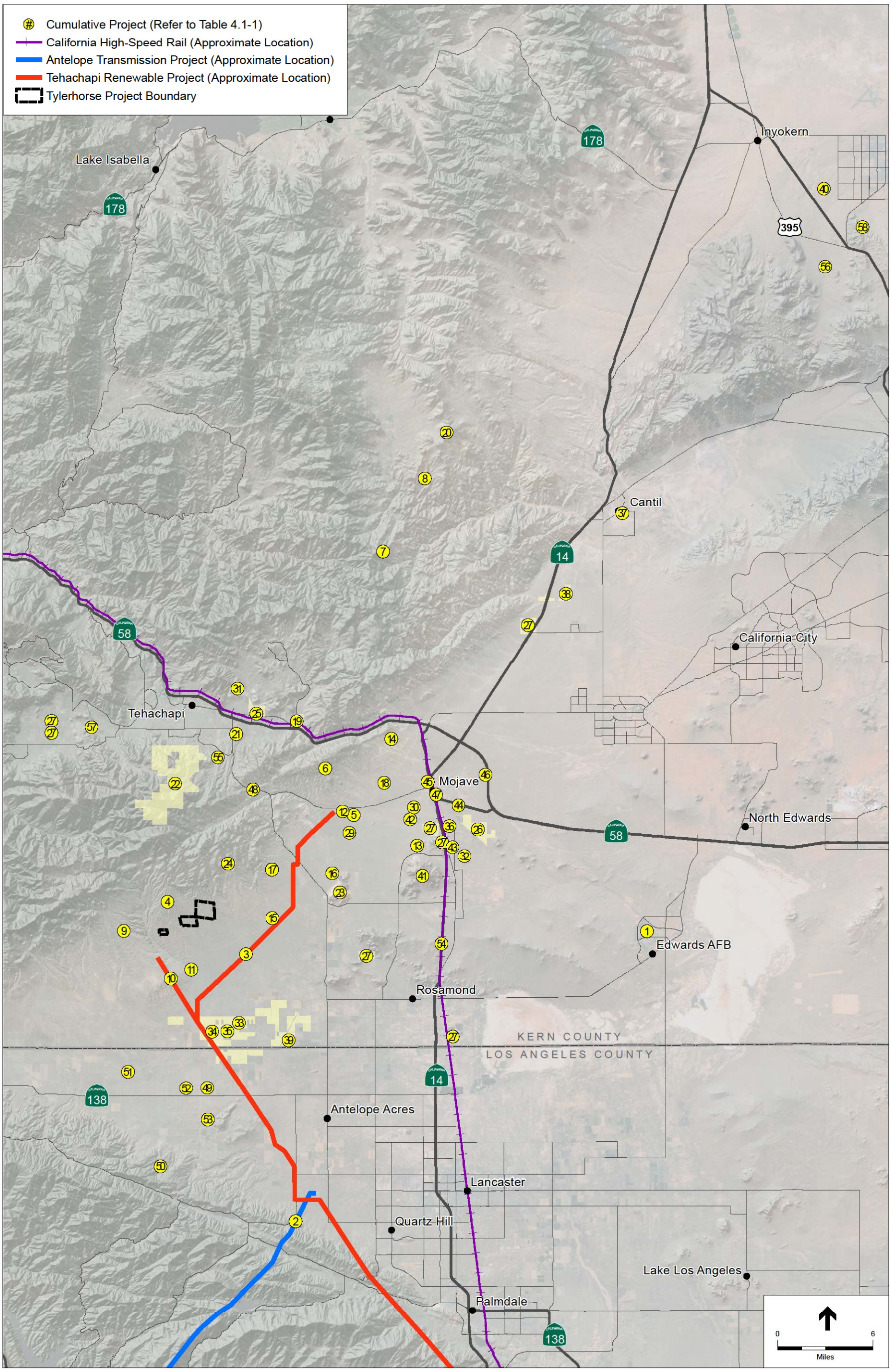
Figure 3.19-1
100-Year Flood Zone



SOURCE: Enxco

Tylerhorse Wind Project PA/DEIS . 211185

Figure 3.22-1
Avian Surveys



SOURCE: Bing Maps; ESRI, Kern County GIS; ESA, 2013.

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Figure 4.1-1
Cumulative Project Map

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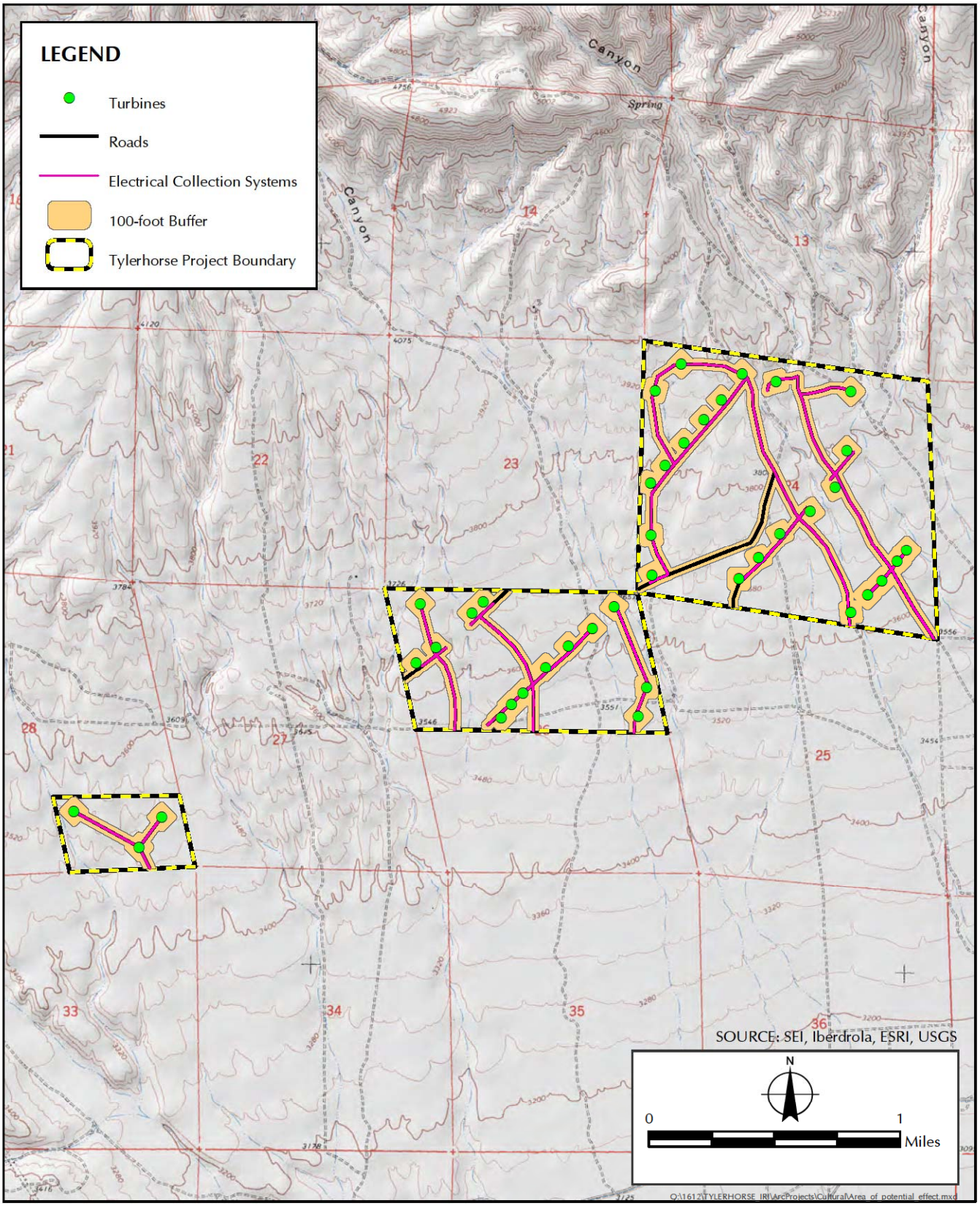


SOURCE: Iberdrola Renewables

Tylerhorse Wind Project PA/DEIS . 211185

Figure 4.4-1

Area of Potential Effect

Existing Visual Setting

Visual Simulation

SOURCE: Enxco

Tylerhorse Wind Project PA/DEIS . 211185

Figure 4.18-1
Key Observation Point 1,
Rosamond City Center

Existing Visual Setting

Visual Simulation

SOURCE: Enxco

Tylerhorse Wind Project PA/DEIS . 211185

Figure 4.18-2
Key Observation Point 2,
Rosamond Road between
90th W. Street and 170th W. Street

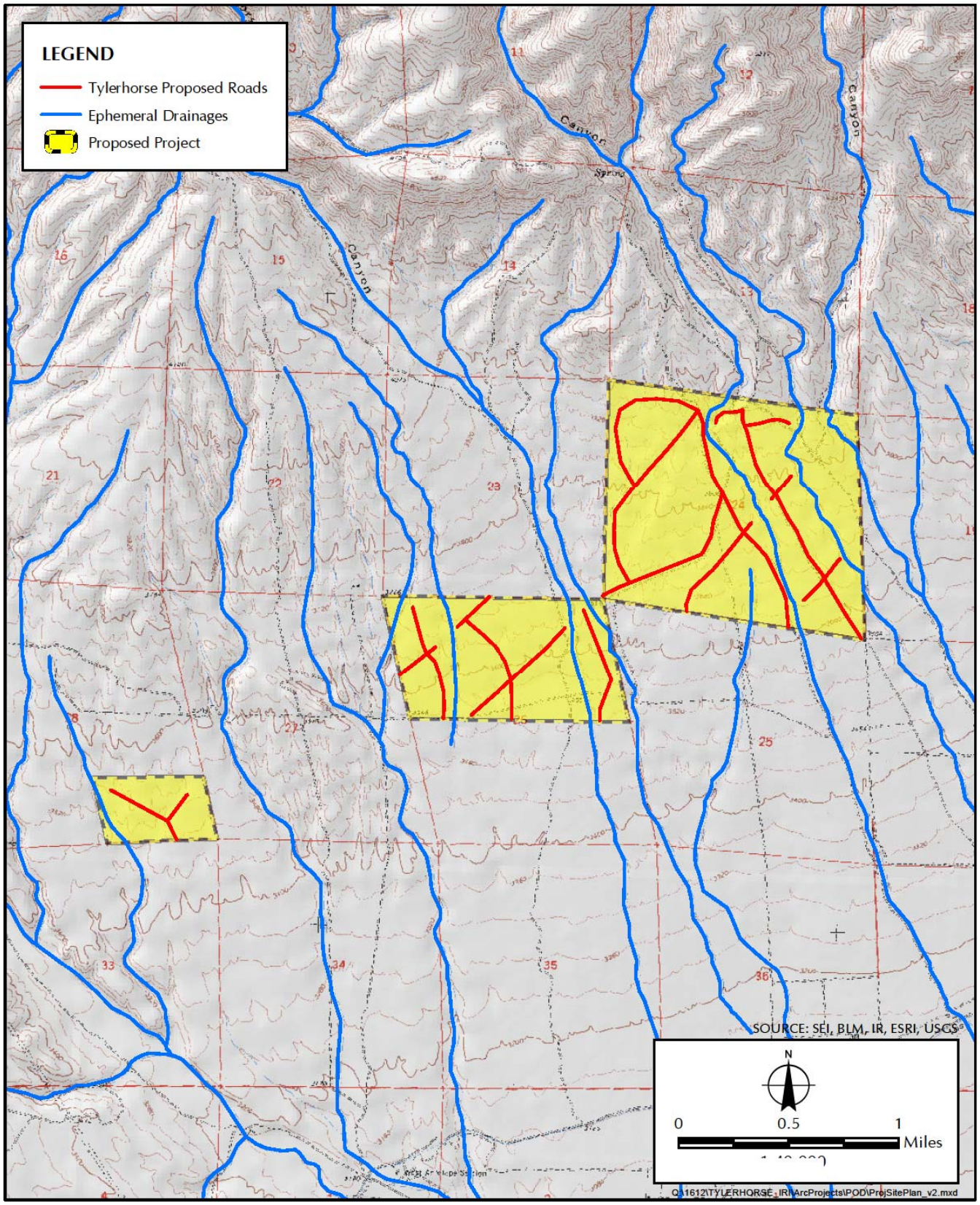
Existing Visual Setting

Visual Simulation

SOURCE: Enxco

Tylerhorse Wind Project PA/DEIS . 211185

Figure 4.18-3
Key Observation Point 3,
Pacific Crest Trail



SOURCE: Sapphos Environmental, Inc., 2014.

Tylerhorse Wind Project PA/DEIS . 211185

Figure 4.19-1
Project Access Roads in
Relation to Ephemeral Drainages

APPENDIX B

Scoping Report

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PUBLIC SCOPING REPORT

Environmental Impact Statement
Tylerhorse Wind Energy Project

Lead Agency:

Bureau of Land Management
Contacts: Cedric Perry, 951-697-5388
22835 Calle San Juan De Los Lagos
Moreno Valley, California 92553-9046

OCTOBER 2011

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B Public Notices

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B-2 Public Notice (BLM August 31, 2011)

C Scoping Meeting Materials

C-1 Written Comment Form
C-2 Speaker Comment Card
C-3 Scoping Meeting Presentation

D September 14, 2011 Scoping Meeting Sign-In Sheet

E Comments Received During Scoping Period

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1 Comments Received During Public Scoping Period 3

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1 NEPA Process Flowchart 18

Abbreviations and Acronyms Used in this Report

AB	Assembly Bill
BGEPA	Bald and Golden Eagle Protection Act
BLM	Bureau of Land Management
CDCA	California Desert Conservation Area
CEQ	Council on Environmental Quality
CWA	Clean Water Act
DEIS	Draft Environmental Impact Statement
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
GHG	greenhouse gas
IOU	Investor-Owned Utility
NEPA	National Environmental Policy Act
NHPA	National Historic Preserve Act
NOI	Notice of Intent
NRHP	National Register of Historic Places
kV	kilovolt
MBTA	Migratory Bird Treaty Act
MGS	Mojave Ground Squirrel
MW	megawatt
O&M	operations and maintenance
ROW	right-of-way
RPS	Renewables Portfolio Standard
SB	Senate Bill
SCADA	Supervisory Control and Data Acquisition System
SCE	Southern California Edison
SHPO	State Historic Preservation Officer
THPO	Tribal Historic Preservation Officer
TMDL	Total Maximum Daily Load
WOUS	Waters of the United States

1.0 OVERVIEW OF NEPA SCOPING PROCESS

1.1 Introduction

enXco Development Corporation has applied to the Bureau of Land Management (BLM) for a right-of-way (ROW) on public lands in Kern County to construct a wind energy facility approximately 16 miles southwest of the city of Mojave, 11 miles southeast of the City of Tehachapi, and approximately 8 miles northwest of the unincorporated community of Rosamond. The project would generate approximately 60 megawatts (MW) of wind energy on a 1,100-acre (1.7-square-mile) project site. The proposed site consists of lands administered by BLM and subject to the California Desert Conservation Area (CDCA) Plan. Authorization of the ROW by BLM would require an amendment of the CDCA Plan.

This public scoping report documents the BLM's National Environmental Policy Act (NEPA) scoping process and the comments received for the proposed project. Specifically, this report describes the scoping activities and summarizes the written comments received on the BLM's Notice of Intent (NOI). This report serves as an information source to the BLM in its determination of the range of issues and alternatives to be addressed in the Environmental Impact Statement (EIS). The BLM will use the comments received during the scoping period to:

1) Identify key issues to focus the analysis
2) Identify reasonable alternatives for analysis
3) Present environmental impacts of the project and alternatives
4) Identify ways to avoid or reduce environmental impacts
5) Inform the agency decision-making process.

1.2 Summary of NEPA Scoping Process

The NEPA scoping process provides government agencies, public and private organizations, and the general public the opportunity to identify environmental issues and alternatives for consideration in the EIS. The scoping process and results are an initial step in the NEPA process.

To comply with NEPA (40 CFR 1501.7), the BLM published the NOI in the Federal Register to prepare an EIS for the Tylerhorse Wind Energy project (FR Vol. 76, No. 136, page 41815, July 15, 2011). The NOI serves as the official legal notice that a federal agency is commencing preparation of an EIS. The Federal Register serves as the U.S. Government's official noticing and reporting publication. The NOI initiates the public scoping period for the EIS, provides information about the proposed project, and serves as an invitation for other federal agencies granted cooperating

agency status to provide comments on the scope and content of the EIS. The NOI is included as Appendix A.

The BLM issued a press release, included as Appendix B-1, to announce the publication of the NOI and initiate the environmental review for the proposed Tylerhorse Wind Project on July 15, 2011. Another press release was issued on August 31, 2011, included as Appendix B-2, to notify the public that the public comment period had been extended to September 29, 2011 and a scoping meeting had been scheduled on September 14, 2011.

The NOI and press releases were also made available to the public on BLM's website for the Tylerhorse Wind Energy project at:

http://www.blm.gov/ca/st/en/prog/energy/fasttrack/Tylerhorse/fedstatus.html

During the NOI comment period, the BLM held one public scoping meeting on September 14, 2011, in the Mojave Veterans Building (Room 1, 15580 O Street, Mojave, California 93501).

The scoping meeting provided the public and government agencies the opportunity to receive information on the NEPA process and on the proposed project and to provide verbal and written comments.

Comment cards were provided as handouts at the public scoping meeting (Appendix C-1). Additional materials provided to the public at the scoping meetings are contained within Appendix C and include the following:

1) Appendix C-1 – Written Comment Card
2) Appendix C-2 – Speaker Registration Cards
3) Appendix C-3 – Scoping Meeting Presentation.

Appendix D includes the scoping meeting sign-in sheet for the meeting.

The comment period for the NOI ended on September 29, 2011 (originally scheduled for August 15, 2011). In total, three letters were received, one from the U.S. Environmental Protection Agency (EPA), one from Defenders of Wildlife, and one from the National Park Service. These comments are incorporated into the EIS project record and are documented and summarized in this public scoping report.

1.3 Agencies, Organizations, and Persons Providing Scoping Comments

The EPA, Defenders of Wildlife, and the National Park Service provided written comments during the public scoping period. Written comments received in response to the NOI are included in Appendix E. In summary, Table 1 presents the agencies and organizations that provided comments during the NEPA scoping process organized in the order they were issued.

Table 1
Comments Received During Public Scoping Period

Federal, State, and Local Agencies and Organizations	
Commenter	**Date**
U.S. Environmental Protection Agency, Region IX, Thomas Plenys, Environmental Review Office	August 1, 2011
Defenders of Wildlife, Jeff Aardahl, California Representative	August 12, 2011
National Park Service, Debbie Allen	August 17, 2011

1.4 Scoping Report Organization

This public scoping report summarizes the comments and issues identified through the Project's scoping period, including the public scoping meetings. The BLM will review and consider all of the written comments received in preparing the EIS for the proposed project.

Section 2 provides summary information on eneXco Development Company's stated project objectives and a description of the project and provides background information regarding the proposed project.

Section 3 provides an overall summary of the comments received and issues raised during the project's public review period.

Section 4 provides a summary of future steps in the planning process and indicates opportunities for public participation in the environmental review process.

Section 5 includes a list of references used in preparation of this scoping report.

Following is the list of appendices that includes public scoping notices, scoping meeting materials, and public comments received during the public review period.

A. Notice of Intent (published in the Federal Register on July 15, 2011)
B. Scoping Meeting Public Notice (August 31, 2011)

C. Scoping Meeting Materials
   - C-1 Written Comment Form
   - C-2 Speaker Comment Card
   - C-3 Scoping Meeting Presentation

D. September 14, 2011 Scoping Meeting Sign-In Sheet

E. Comments Received During Scoping Period

2.0 SUMMARY OF PROPOSED PROJECT

This section provides an overview of the Tylerhorse Wind Energy project located in Kern County, approximately 16 miles southwest of the city of Mojave, 11 miles southeast of the City of Tehachapi, and approximately 8 miles northwest of the unincorporated community of Rosamond.

2.1 Tylerhorse Wind Energy Project

2.1.1 APPLICANT'S OBJECTIVES

The Applicant's fundamental objective for the proposed action is to construct, operate, maintain, and eventually decommission a 60-MW commercial wind energy facility and associated interconnection transmission infrastructure to provide renewable electric power to California's existing transmission grid to help meet federal and state renewable energy supply and greenhouse gas (GHG) emissions reduction requirements. Recent national and regional forecasts project an increase in consumption of electrical energy continuing into the foreseeable future. Renewable energy, including wind generation, is expected to provide a larger component of the electrical supply in the future. Continued increased consumption requires development of new generation facilities to satisfy demand, as substantiated by the following sources:

- The Energy Information Administration, a statistical agency of the U.S. Department of Energy (DOE), states in the *Annual Energy Outlook 2008 with Projections to 2030* (June 2008) that total electricity demand is projected to grow by 1.1 percent per year from 2004 through 2030. Renewable sources of electricity are expected to grow at a higher rate of 2.2 percent annually, which represents an increase of over 270 billion kilowatt-hours (kWh) by 2030. Wind energy alone is anticipated to provide 124 billion kWh of electricity by 2030, compared to 26 billion kWh in 2006 (DOE 2008).

- The Western Electricity Coordinating Council (WECC) forecasts electricity demand in the western United States. In the *10-Year Coordinated Plan Summary 2006-2015* (July 2006), the WECC states that capacity margins are declining and, from 2006 through 2015, annual energy use is projected to increase 2.2 percent (2.0 percent annual compound growth rate) (WECC 2006).

- The Western Governors' Association goal of developing 30,000 megawatts (MW) of clean energy by 2015 from traditional and renewable energy sources and by the Energy Policy Act of 2005, which encourages the development of renewable energy resources as part of an overall strategy to develop a diverse portfolio of domestic energy supplies for the future.

- On March 11, 2009, the Secretary of the U.S. Department of Interior issued Secretarial Order No. 3285, establishing a new policy that "Encouraging the production, development, and delivery of renewable energy is one of the Department's highest priorities."

2.1.2 Project Description

The proposed Tylerhorse Wind Energy project consists of a 60-megawatt (MW) wind energy facility. Approximately 40 wind turbines, in the 1.5- to 3.0-MW range, would be constructed within a 1,100-acre project site located 8 miles northwest of the unincorporated community of Rosamond, Kern County, California. In addition to wind turbines the project would include the following components:

1. A transformer at each wind turbine tower (depending on the turbine manufacturer the transformer would be in the nacelle or at the base of the turbine tower) to transform the power generated at approximately 690 volts (v) to 34.5 kV for delivery to the off-site substation.

2. A 34.5-kV underground electrical collection system linking each turbine to Southern California Edison's (SCE) Whirlwind Substation (TRTP Substation 5) by means of a 220-kV overhead transmission line constructed as part of the Manzana Wind Energy Project.

3. An access road system. While existing roads would be used to the greatest extent possible, approximately 12.5 miles of new unpaved roads would be constructed to serve as access roads across the project property to turbines located within the project property.

4. Supervisory control and data acquisition (SCADA) system and fiber optic communications. The fiber optic cables used for SCADA communication would be placed in the same trenches used for the project's 34.5-kV electrical collection system.

5. For site safety and security fencing of portions of the exterior boundary of the proposed project or each wind turbine cluster or row would be installed.

The project would use the ancillary facilities of the adjacent Manzana Project, a separate wind farm project. Such facilities include the Manzana Project's previously approved operations and maintenance (O&M) facility, staging and refueling areas, and concrete batch plant.

This project requires a Record of Decision from BLM. Prior to ROW grant issuance, the project will require a Land Use Plan Amendment to the CDCA.

3.0 SUMMARY OF SCOPING COMMENTS

This section of the report summarizes the comments raised by agencies and organizations during the scoping process. This summary is based upon written comments that were received during the NOI public scoping period. Table 1 provides a list of commenters including federal agencies and organizations that provided written comments during the public review period. The National Park Service submitted a comment stating that they have no comment regarding the subject document. There were several environmental concerns raised by the EPA and Defenders of Wildlife during the public scoping process that focused on the project's potential effects in several environmental categories. The scoping report summarizes the comments received according to the following major themes:

1. Statement of Purpose and Need
2. Human environment issues
3. Natural environment issues
4. Indirect and cumulative impacts
5. Project alternatives

3.1 Statement of Purpose and Need

Both the EPA and Defenders of Wildlife submitted comments regarding the Statement of Purpose and Need of the project. The Defenders of Wildlife stated that the Statement of Purpose and Need should not simply indicate that the agencies are responding to an applicant's request for agency-issued permits for a proposed project. The NEPA document should establish an accurate and factual purpose and need for the project. The U.S. EPA submitted comments stating the following with regard to the Statement of Purpose and Need:

1. The purpose and need should be a clear, objective statement of the rationale for the proposed project.
2. The Draft EIS should discuss the proposed project in the context of the larger energy market that the project would serve;
3. The Draft EIS should discuss how the project will assist the State in meeting its renewable energy portfolio standards and goals.

3.2 Human Environment Issues

Noise

The EPA stated that decibel levels of the turbines should be evaluated as should the effects of noise levels on a variety of species, as well as effects on property values, residences, and recreational use.

Visual Resources

The EPA commented on the potential visual impacts created by the wind project and recommended that careful attention be given to how a wind turbine array is set against a landscape. Stating, steps should be taken to minimize the visual impacts and make the wind turbines less obtrusive.

Hazardous Materials, Hazardous Waste and Solid Waste

The EPA submitted comments stating that the Draft EIS should address potential, indirect and cumulative impacts of hazardous waste from construction and operation. The Document should identify projected hazardous waste types and volumes, and expected storage, disposal and management plans. It should address the applicability of state and federal hazardous waste requirements and include measures to mitigate hazardous waste.

The EPA also recommends that the proponent strive to address the full product life cycle by sourcing wind turbine components from a company that: 1) minimizes environmental impacts during raw material extraction; 2) manufactures wind turbines in a zero waste facility; and 3) provides future disassembly for material recovery for reuse and recycling.

Project Decommissioning, Site Restoration and Financial Assurance

The EPA recommends that the Draft EIS include a requirement for a decommissioning and site restoration plan to include cost estimates; the project owner to secure a performance bond surety bond, letter of credit, corporate guarantee, or other form of financial assurance adequate to cover the cost of decommissioning/restoration; description of the condition when decommissioning will commence; description of time allotted to complete the decommissioning; description of the structures, facilities, and foundations to be removed; and restoration of the site by recontouring the surface and revegetation to a condition reasonably similar to the original condition.

Tribal Governments

The EPA submitted comments regarding coordination with tribal governments, stating that the Draft EIS should describe the process and outcome of government-to-government consultation between the BLM and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative.

The EPA also suggests that the Draft EIS discuss the existence of Indian sacred sites in the project areas. It should address Executive Order 13007, distinguish it from Section 106 of the National Historic Preserve Act (NHPA), and discuss how the BLM will avoid adversely affecting the physical integrity, accessibility, or use of sacred sites, if they exist. The Draft EIS should provide a summary of all coordination with Tribes and with the State Historic Preservation Officer and Tribal Historic Preservation Officer (SHPO/THPO), including identification of National Register of Historic Places (NRHP) eligible sites, and development of a Cultural Resource Management Plan.

Environmental Justice and Impacted Communities

Comments submitted by the EPA state that the Draft EIS should include an evaluation of environmental justice populations within the geographic scope of the project. If such populations exist, the Draft EIS should address the potential for disproportionate adverse impacts to minority and low-income populations, and the approaches used to foster public participation by these populations. Assessment of the project's impact on minority and low-income populations should reflect coordination with those affected populations.

The EPA also stated that the Draft EIS should describe outreach conducted to all other communities that could be affected by the project, since rural communities may be among the most vulnerable to health risks associated with the project.

Land Use

Comments from the EPA state that the Draft EIS should discuss how the proposed action would support or conflict with the objectives of federal, state, tribal or local land use plans, policies and controls in the project area. The term "land use plans" includes all types of formally adopted documents for land use planning, conservation, zoning and related regulatory requirements. Proposed plans not yet developed should also be addressed if they have been formally proposed by the appropriate government body in a written form.

3.3 Natural Environment Issues

Biological Resources

The EPA and Defenders of Wildlife both submitted comments addressing their concerns about the potential impact to biological resources created by the proposed project. Both state that a long-term monitoring and impact avoidance program should be designed and implemented to minimize impacts to species.

The Defenders of Wildlife recommend that particular attention be paid to the following species: California Condor (*Gymnogyps californianus*), Golden Eagle (*Aquila chrysaetos*), Swainson's Hawk (*Buteo swainsoni*), Desert Tortoise (*Gopherus agassizii*), and the Mojave Ground Squirrel (MGS) (*Xerospermophilus mohavensis*). The Defenders of Wildlife also recommend that an analysis of the Project's effects on habitat linkages be conducted based on three recent reports: 1) a Mojave Desert ecosystem assessment, 2) a statewide habitat connectivity study and 3) a habitat linkage study termed the Tehachapi Connection. To foster habitat linkages and improve habitat conditions, the Defenders of Wildlife also recommend that the design of security fencing for the project include provisions to allow for the movement and continued use of habitat within the project area by terrestrial species.

Comments submitted by the EPA state the following with regard to biological resources and invasive plant management:

1. Design a comprehensive monitoring program to evaluate impacts on bats and avian species, and discuss design and management measures to minimize adverse impacts to wildlife and native and rare plants.

2. Identify specific measures to reduce impacts to eagles and clarify how the proposed project will comply with the Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (BGEPA).

3. Commit to additional data collection/analysis to identify areas that are important to bald and golden eagles to ensure proper siting and avoid take of these species.

4. Consider site specific risk mapping for avian species of concern as a means to site individual wind turbines in lower risk areas. An example of this type of study was performed at the Altamont Wind Resource Area.

5. Discuss the applicability of the recently finalized U.S. Fish and Wildlife Service (USFWS) permit regulations regarding take of golden eagles (50 CFR parts 13 and 22) to the proposed project. Elaborate on process and/or likelihood of obtaining a permit via these regulations.

6. Discuss in the Draft EIS the applicability of the recent Eagle Conservation Plan Guidelines to the proposed project. Elaborate on siting, design, and operational modifications that will mitigate impacts.

7. Describe the potential for habitat fragmentation and obstructions for wildlife movement.

8. If alternatives cannot be developed that avoid the take of eagles, develop an operational monitoring and adaptive management plan to address this issue.

9. Determine if the proposed project is within the existing or historical ranges of the California condor or has the potential to impact future expanded populations and consult with USFWS and the California Department of Fish and Game early in the process.

10. Indicate what mitigation measures will be taken to protect important wildlife habitat areas from potential adverse effects of proposed covered activities

11. Discuss mechanisms in the Draft EIS that would: 1) protect into perpetuity any compensatory mitigation lands that are selected; and 2) exclude the non-developed portion of a subject ROW from further disturbance or development.

12. The Draft EIS should include the requirement for the owner to provide financial assurance for any required mitigation projects. Such assurances can be provided by third-party institutions, such as surety bonding companies, insurance companies, banks and other financial institutions that agree to hold themselves financially liable for the failure of a responsible party to perform compensatory mitigation obligations.

13. Discuss in the Draft EIS applicability of the recent Land-Based Wind Energy Guidelines to the proposed project. Elaborate on siting, design, and operational modifications that will mitigate impacts.

14. Consider utilizing unique types of radar technology to monitor birds and bats.

15. Consider a tactical shut down option during critical hours of species activity, as appropriate, to minimize adverse impacts on such species.

16. Consider blade feathering/idling (including on-the-spot and seasonal shutdowns), reducing cut-in speeds, and adjusting turbine speeds during strategic intervals to reduce take and to prevent mortality.

17. The Draft EIS should include an invasive plant management plan to monitor and control noxious weeds.

Water Resources

The EPA submitted comments concerning the Project's impact on water resources and states that the Draft EIS should describe the availability of a water supply for construction and operation of the proposed project and fully evaluate the environmental impacts associated with using the selected water supply. The EPA recommended that the Draft EIS address the following points to identify the Project's water needs and the resulting impacts on water resources.

1. A discussion of the amount of water needed for the proposed project and where this water will be obtained.
2. A discussion of availability of groundwater within the basin and annual recharge rates. A description of the water right permitting process and the status of water rights within that basin, including an analysis of whether water rights have been over-allocated.
3. A discussion of cumulative impacts to groundwater supply within the hydrographic basin, including impacts from other large-scale wind installations that have also been proposed.
4. An analysis of different types of technology that can be used to minimize or recycle water.
5. A discussion of whether it would be feasible to use other sources of water, including potable water, irrigation canal water, wastewater or deep-aquifer water.
6. An analysis of the potential for alternatives to cause adverse aquatic impacts such as impacts to water quality and aquatic habitats.

Additionally, the EPA recommends the applicant coordinate with the U.S. Army Corps of Engineers to obtain a jurisdictional delineation and confirm the presence of Waters of the U.S. (WOUS) in the project area, in order to determine whether or not a Clean Water Act (CWA) Section 404 permit is needed. If a permit is needed, the Draft EIS should demonstrate the project's compliance with the CWA 404(b)(1) Guidelines. The Draft EIS should describe the function and location of any WOUS at the project site, as well as drainage patterns at the project location. The Draft EIS should discuss the steps taken to avoid and minimize impacts to WOUS.

If an aquatic feature does not constitute a WOUS but has the potential to be affected by the proposed project, the EPA recommends that the Draft EIS characterize the functions of the aquatic feature and discuss potential mitigation measures. To avoid and minimize direct and indirect impacts to desert washes (such as erosion, migration of channels, and local scour), as applicable:

- Utilize existing natural drainage channels on site and more natural features, such as earthen berms or channels, rather than concrete-lines channels.
- Commit to the use of natural washes, in their present location and natural form and including adequate natural buffers, for flood control to the maximum extent practicable.

The EPA recommends a discussion of mitigation measures for aquatic features that should include the availability of sufficient compensation lands within the project's watershed to replace desert wash functions lost on the project site.

Additionally, the EPA stated that the Draft EIS should provide information on CWA Section 303(d) impaired waters in the project area, if any, and efforts to develop and revise Total Maximum Daily Loads (TMDL). The Draft EIS should describe existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with on-going protection efforts, and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

The EPA also recommends that the applicant determine the need for a California State Water Resources Control Board General Permit associated with construction activity Construction General Permit Order 2009-0009-DWQ. If such a permit is required, include a description of the proposed stormwater pollution control and mitigation measures in the Draft EIS.

Air Resources

The EPA stated that the Draft EIS should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards, criteria pollutant nonattainment areas, and potential air quality impacts of the proposed projects (including cumulative and indirect impacts). The EPA believes such an evaluation is necessary to assure compliance with State and Federal air quality regulations, and to disclose the potential impacts from temporary or cumulative degradation of air quality.

The EPA also recommends that the Draft EIS describe and estimate air emissions from potential construction and maintenance activities, as well as, proposed mitigation measures to minimize those emissions. In addition, the EPA recommends an evaluation of the following measures to reduce emission of criteria air pollutants and hazardous air toxics.

1) Existing Conditions - The Draft EIS should provide a detailed discussion of ambient air conditions, NAAQS, and criteria pollutant nonattainment areas in all areas considered for wind development.

2) Quantify Emissions - The Draft EIS should estimate emissions of criteria pollutants from the proposed project and discuss the timeframe for release of these emissions over the lifespan of the project. The Draft EIS should describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions.

3) Specify Emission Sources - The Draft EIS should specify the emission sources by pollutant from mobile sources, stationary sources, and ground disturbance. This source

specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention.

4) Construction Emissions Mitigation Plan - The Draft EIS should include a Construction Emissions Mitigation Plan. In addition to all applicable local, state, or federal, requirements, the EPA recommends that the following mitigation measures be included in the Construction Emission Mitigation Plan in order to reduce impacts associated with emission of particulate matter and other toxics from construction-related activities:

    - Fugitive Dust Control Plan - The Draft EIS should identify the need for a Fugitive Dust Control Plan and how that plan will comply with the Eastern Kern County Air Pollution Control District Rule 402 for control of fugitive dust emissions.

    - Mobile and Stationary Source Controls – commit to the best available emission control technology; use cleanest vehicles possible; minimize vehicle trips and idling; and maintain engines to perform at California Air Resources Board and/or EPA certification levels.

    - Administrative Controls – Develop a construction traffic and parking management plan; identify sensitive receptors in the project area and minimize impacts to these populations; and include provision for monitoring fugitive dust in the fugitive dust control plan and initiate increased mitigation measures to abate any visible dust plumes.

Climate Change

The EPA stated that the Draft EIS should consider how climate change could potentially influence the proposed project, specifically within sensitive areas, and assess how the projected impacts could be exacerbated by climate change.

Additionally, the EPA recommends that the Draft EIS should quantify and disclose the anticipated climate change benefits of wind energy. EPA suggests quantifying greenhouse gas emissions from different types of generating facilities including solar, geothermal, natural gas, coal-burning, and nuclear and compiling and comparing these values.

3.4 Indirect and Cumulative Impacts

The Defenders of Wildlife and the EPA both submitted comments regarding the cumulative impacts of the proposed project. Both showed particular concern for the cumulative impacts that the recent growth in wind development could have on “at-risk” species, their habitats, and ecosystems in the vicinity of the project site. The Defenders of Wildlife stated that the cumulative impacts of the project, and other existing and reasonably foreseeable land uses, on at-risk species and their habitats on a regional scale need to be carefully analyzed. They also

believe that the cumulative impact analysis needs to be analyzed and considered in the context of various laws and regulations pertaining to management of public and private lands and at-risk biological resources associated with them.

The EPA submitted comments recommending that the Draft EIS consider the cumulative impacts associated with multiple large-scale renewable energy projects proposed in the western Mojave desert/Tehachapi area and the potential impacts on various resources including: water supply, endangered species, and habitat. The EPA also stated that the BLM and project proponents should consider a regional assessment of resource impacts, including cumulative impacts to avian and bat populations, given the large number of wind energy projects either built or planned for the region.

The EPA recommends that for each resource analyzed, the Draft EIS should:

1) Identify the current condition of the resource as a measure of past impacts. For example, the percentage of species habitat lost to date.

2) Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or in stasis.

3) Identify all on-going, planned, and reasonably foreseeable projects in the study area that may contribute to cumulative impacts.

4) Identify the future condition of the resource based on an analysis of impacts from reasonably foreseeable projects or actions added to existing conditions and current trends.

5) Assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource, and provide a specific measure for the projected impact from the proposed alternatives.

6) Disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.

Additionally, the EPA believes that the Draft EIS should discuss the adequacy of the current and future transmission line capacity for all the regional wind projects and whether the capacity can accommodate the multiple proposed wind projects slated for operation.

The EPA comments that as an indirect result of providing additional power, it can be anticipated that these projects will allow for development and population growth to occur in those areas that receive the generated electricity. Therefore, the Draft EIS should describe the reasonable foreseeable future land use and associated impacts that will result from the additional power supply. The document should provide an estimate of the amount of growth, its likely location, and the biological and environmental resources at risk.

3.5 Project Alternatives

Both the EPA and Defenders of Wildlife submitted comments regarding project alternatives. The EPA expressed a similar opinion as the one stated in the Defenders of Wildlife comment, which said that a range of alternatives must be carefully and methodically developed as a means to primarily avoid, and secondarily to minimize, adverse impacts to significant natural and cultural resources. Alternatives to the project, including alternative locations and reduced project size need to be fully considered and analyzed, especially in the event that the project, as proposed would result in significant adverse impacts.

The EPA submitted comments stating that the Draft EIS should describe how each alternative was developed, how it addresses each project objective, and how it would be implemented. The alternatives analysis should include a discussion of alternative sites, capacities, and generating technologies, including different types of renewable energy technologies. The Draft EIS should describe the benefits associated with the proposed technology. The Draft EIS should clearly describe the rationale used to determine whether impacts of an alternative are significant or not. Thresholds of significance should be determined by considering the context and intensity of an action and its effects. The Draft EIS should identify and analyze an environmentally preferable alternative. Options such as reducing the footprint of the proposed project within the project area or relocating sections/components of the project to other areas, including private land, to reduce environmental impacts should be examined.

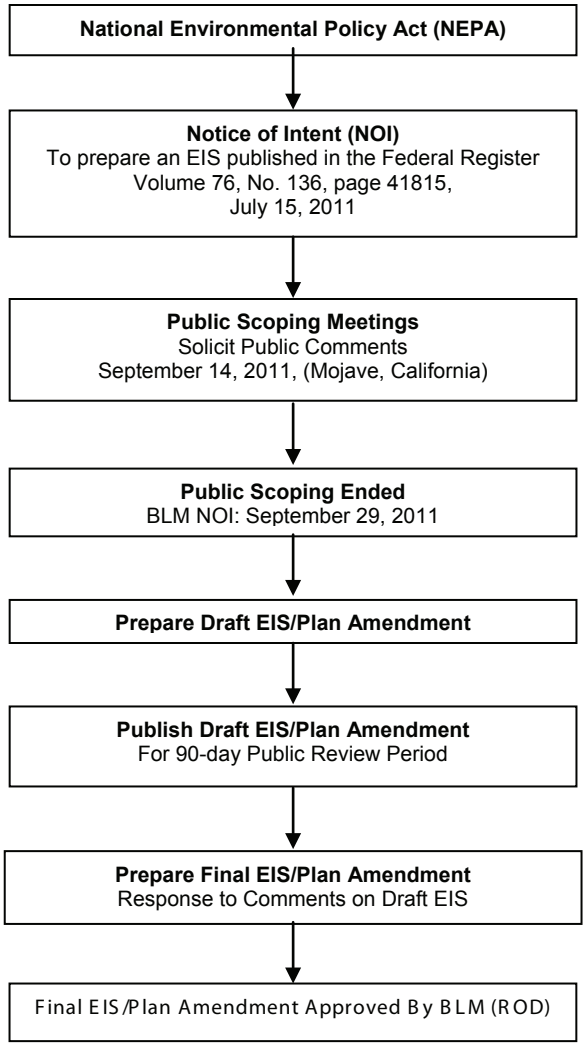
The EPA strongly encourages BLM and other interested parties to pursue the siting of renewable energy projects on disturbed, degraded and contaminated sites, including fallow or abandoned agricultural lands, as appropriate, before considering large tracts of undisturbed public lands. Therefore, the Draft EIS should describe the current condition of the land selected for the proposed project, discuss whether the land is classified as disturbed, and describe to what extent the land could be used for other purposes. Additionally, the EPA recommends that the BLM utilize the Renewable Energy Interactive Mapping Tool to explore whether there are disturbed sites located in proximity to the proposed project that might also be utilized.

4.0 SUMMARY OF FUTURE STEPS IN THE PLANNING PROCESS

The project would be located on land which does not contain a Multiple Use Classification under the CDCA Plan and is referred to as unclassified land. The CDCA Plan states that sites associated with power generation or transmission not identified in the CDCA Plan will be considered through the Plan Amendment process. The project site is currently not identified in the CDCA Plan. Therefore, prior to ROW grant issuance, the project would require a Land Use Plan Amendment to the CDCA Plan which would occur concurrently with the NEPA process.

The EIS process requires a team of interdisciplinary resource specialists to complete each step. An important part of the environmental planning process is engaging the public and relevant agencies from the earliest stages of and throughout the planning process to address issues, comments, and concerns. The steps of the NEPA planning process and decisions to be made are described as follows. Figure 1 provides a summary of the EIS (NEPA) process.

Figure 1. NEPA Process Flowchart



Identification of Issues

Issues associated with the project were identified through the scoping period, which initiated the planning process. The scoping process and the issues identified through the scoping process are documented in this scoping report.

Data Information and Collection

Much of the necessary resource data and information will be compiled from existing studies prepared for the project or through other local agencies. Additional data and information will be obtained from available sources to update and/or supplement existing data.

Preparing Draft EIS

Based on collected data, including public comments, a description of the project and alternatives (including no action) will be developed. Only alternatives that meet NEPA screening criteria will be considered in detail. Impacts that could result from implementing the project and alternatives will be analyzed and measures to mitigate those impacts will be identified where appropriate.

Draft EIS and Public Comment Period

The next official public comment period will begin upon publication of the Draft EIS, which is anticipated to be in early 2012. This document will evaluate a range of project alternatives including a "No Action" alternative and a "Preferred" alternative and will generally include the following:

1) Executive summary
2) Introduction/overview (including purpose and need for the project)
3) Description of project and alternatives
4) Environmental analysis (including impacts and mitigation measures to minimize impacts)
5) Comparison of alternatives
6) Other NEPA considerations.

Upon completion of the Draft EIS, BLM will publish a Notice of Availability in the Federal Register and a 90-day public comment period will follow. Copies of the Draft EIS will be distributed to elected officials, regulatory agencies, and interested members of the public. The document will also be available online at the BLM project website:

http://www.blm.gov/ca/st/en/prog/energy/fasttrack/Tylerhorse/fedstatus.html

During this time, public comment on the Draft EIS will be received.

Response to Comments, Preparation of Final EIS, Notice of Determination, and Record of Decision

After the public comment period, the BLM will respond to comments and prepare a Final EIS. The availability of the Final EIS will be announced in the Federal Register, and a 30-day public protest period will follow. Copies of the Final EIS will be distributed to elected officials, regulatory agencies, and interested members of the public. The document will also be available online at the BLM website, as described previously.

For NEPA, following a 30-day Protest Period and concurrent 60-day Governor's Review, the BLM will resolve valid protests and prepare the Record of Decision. The Notice of Availability for the Record of Decision will be announced in the Federal Register.

5.0 REFERENCES CITED

40 CFR 1501.1–1501.8. NEPA and Agency Planning.

Federal Register, Volume 76, No. 136, page 41815, July 15, 2011.

Appendix A

Notice of Intent (published in the Federal Register on July 15, 2011)

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD0500, L51010000.LVRWB11B4500.FX0000]

Notice of Intent To Prepare an Environmental Impact Statement for the enXco Development Corporation's Tylerhorse Wind Project, Kern County, CA, and Possible Land Use Plan Amendment; CACA 51561

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) Ridgecrest Field Office, Ridgecrest, California, intends to prepare an Environmental Impact Statement (EIS), which may include an amendment to the California Desert Conservation Area (CDCA) Plan (1980, as amended), related to Power Partners Southwest, LLC's (Applicant or Power Partners) right-of-way (ROW) authorization request for the Tylerhorse Wind Project (Project), a 60-megawatt (MW) wind farm. By this notice the BLM is announcing the beginning of the scoping process to identify issues and solicit public comments on the EIS and proposed plan amendment (PA). By this notice the BLM is also segregating, subject to valid existing rights, approximately 1,200 acres of public lands from appropriation under the public land laws, including the Mining Law of 1872, as amended, but not from leasing under the mineral leasing laws or disposal under the mineral material laws, for a period of 2 years from the date of publication of this notice for the purpose of processing Power Partner's ROW authorization request.

DATES: This notice initiates: (1) The public scoping process for the EIS and possible plan amendment, and (2) the 2 year segregation period for the public lands within the Project application area. Comments on issues related to the EIS and possible plan amendment may be submitted in writing until August 15, 2011. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers, and the BLM Web site at: *http://www.blm.gov/ca/st/en/fo/cdd.html.* In order to be considered in the Draft PA/EIS, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft EIS. The segregation of the public lands is effective as of July 15, 2011. The segregation will terminate when one of the following events occurs: (1) The BLM issues a decision granting, granting with modifications, or denying Power Partners' ROW authorization request; (2) publication of a **Federal Register** notice terminating this segregation; or (3) if no further administrative action occurs at the end of this segregation on July 15, 2013.

ADDRESSES: You may submit comments on issues and planning criteria related to the Tylerhorse Wind Project by any of the following methods:

- Web site: *http://www.blm.gov/ca/st/en/fo/cdd.html.*
- E-mail: *catylerhorse@blm.gov.*
- Fax: (951) 697–5299.
- Mail: ATTN: Cedric Perry, BLM California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, California 92553–9046.

Documents pertinent to this proposal may be examined at the California Desert District office at the address above.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Cedric Perry, telephone (951) 697–5388; address BLM California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, California 92553–9046; e-mail *catylerhorse@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: EnXco, through its wholly owned subsidiary Power Partners, has submitted a ROW application requesting authorization to construct, operate, maintain, and decommission the Tylerhorse 60–MW wind farm facility. The proposed project is located on public lands in Kern County approximately 15 miles west of California State Highway 14, 12 miles south of California State Highway 58, and 8 miles north of State Route 138. The proposed project would include 34 wind turbines, access roads, and a 34.5 kV energy collection line on 1,100 acres of BLM-administered lands. Ancillary facilities would be located on the adjacent PdV/Manzana (PdV) project that was approved on private lands by the Kern County Board of Supervisors on July 29, 2008, and is currently under construction. Additional roads, transmission lines, and other facilities including substations, operations and maintenance facilities, batch plants, and temporary laydown yards would be provided by the PdV project.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the PA/EIS. At present, the BLM has identified the following preliminary issues: Air quality and greenhouse gas emissions; biological resources, including special status species, Golden Eagles and California Condors; cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; land use, noise; recreation; traffic; wilderness characteristics; visual resources; and areas with high potential for renewable energy development.

Pursuant to the CDCA Plan, sites associated with power generation or transmission not identified in the CDCA Plan will be considered through the plan amendment process to determine the suitability of the sites for renewable energy development. Since the Project site was not previously identified as suitable, authorization of the Tylerhorse project would require an amendment to the CDCA Plan. By this notice, the BLM is complying with requirements in 43 CFR 1610.2(c) to notify the public of potential amendments to land use plans, predicated on the findings in the EIS. If a land use plan amendment is necessary, the BLM would integrate the land use planning process with the NEPA process for the Project. A preliminary list of potential planning criteria that will be used to help guide and define the scope of the plan amendment process include:

- The plan amendments will be completed in compliance with FLPMA, NEPA, and all other relevant Federal laws, executive orders, and BLM policies;
- Existing, valid plan decisions will not be changed and any new plan decisions will not conflict with existing plan decisions; and
- The plan amendments will recognize valid existing rights.

The BLM will also use and coordinate the NEPA commenting process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470(f) as provided for in 36 CFR 800.2(d)(3). Native American Tribal consultations will be conducted and tribal concerns will be given due consideration,

including impacts on Indian trust assets. Federal, State, and local agencies, along with Tribes and other stakeholders that may be interested or affected by the BLM's decision on this project are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency. In connection with its processing of Power Partners' application, the BLM is also segregating, under the authority contained in 43 CFR 2091.3–1(e) and 43 CFR 2804.25(e), subject to valid existing rights, the public lands within the Tylerhorse application area from appropriation under the public land laws including the Mining Law of 1872, as amended, but not the Mineral Leasing or the Material Sales Acts, for a period of 2 years from the date of publication of this notice. The public lands contained within this segregation are described as follows:

San Bernardino Meridian

Township 10 North, Range 15 West,
Section 24;
Section 26, lots 1 to 8, inclusive; and
Section 28, lot 1 and SW¼; SE¼.

Containing 1,200.29 acres more or less, Kern County.

The BLM has determined that this segregation is necessary to ensure the orderly administration of the public lands by maintaining the status quo while it processes Power Partners' ROW application for the above described lands. The segregation period will terminate and the lands will automatically reopen to appropriation under the public land laws, including the Mining Law, if one of the following events occurs: (1) The BLM issues a decision granting, granting with modifications, or denying Power Partners' ROW application request; (2) publication of a **Federal Register** notice terminating this segregation; or (3) if no further administrative action occurs at the end of this segregation. Any segregation made under this authority is effective only for a period of up to 2 years.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7; 43 CFR 1610.2, 2091.3–1(e), and 2804.25(e).

James W. Keeler,

Acting Deputy State Director, California.

[FR Doc. 2011–17720 Filed 7–14–11; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD07000, L51010000.FX0000.LVRWB10B4050]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Ocotillo Sol Solar Project, Imperial County, CA; Possible Land Use Plan Amendment; and Notice of Segregation of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 as amended (NEPA), and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) El Centro Field Office, El Centro, California, intends to prepare an Environmental Impact Statement (EIS), which may include an amendment to the California Desert Conservation Area (CDCA) Plan, related to San Diego Gas & Electric's (SDG&E) right-of-way (ROW) authorization request for the Ocotillo Sol Solar Energy Facility (Project), a 15–18 megawatt (MW) solar energy facility. By this notice, the BLM is announcing the beginning of the scoping process to solicit public comments and identify issues related to the EIS and proposed plan amendment. By this notice, the BLM is also segregating, subject to valid existing rights, approximately 240 acres of public lands located in the State of California from appropriation under the public land laws, including the Mining Law of 1872, as amended, but not the Mineral Leasing or Material Sales Acts, for a period of 2 years for the purpose of processing SDG&E's ROW authorization request.

DATES: This notice initiates: (1) The public scoping process for the EIS and (2) the 2 year segregation period for the public lands within the Project's ROW application area, effective as of July 15, 2011. Comments on issues related to the EIS may be submitted in writing until August 15, 2011. The BLM expects to hold two public meetings during the formal scoping period in El Centro, California, the dates and locations of which will be announced at least 15 days in advance through local media, newspapers, mailings, and the BLM California Desert District Web site (*http://www.blm.gov/ca/st/en/fo/cdd.html*). In order to be included in the Draft EIS, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft EIS. The segregation of the public lands is effective as of July 15, 2011. The segregation will terminate if one of the following events occurs: (1) The BLM issues a decision granting, granting with modifications, or denying SDG&E's ROW authorization request; (2) publication of a **Federal Register** notice terminating this segregation; or (3) if no further administrative action occurs at the end of this segregation on July 15, 2013.

ADDRESSES: You may submit comments related to the Ocotillo Sol Solar Project by any of the following methods:

- *Mail:* Noel Ludwig, California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, California 92553.
- *E-mail: ocotillosol@blm.gov.*
- *Fax:* (951) 697–5299, Attn: Noel Ludwig.

Documents pertinent to this project proposal may be examined at the BLM California Desert District Office.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Noel Ludwig, BLM project manager, telephone (951)–697–5368; address California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, California 92553; e-mail *ocotillosol@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: SDG&E has submitted a ROW application requesting authorization to construct, operate, maintain, and decommission the Ocotillo Sol Project on BLM-administered public lands in southwest Imperial County, California. The BLM is responding to SDG&E's application as required by FLPMA. The project would be constructed on an approximately 100 acre site located approximately 8 miles southwest of El Centro, 4 miles south of Interstate 8, and 82 miles east of San

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Appendix B-1

Public Notice (BLM July 15, 2011)

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT NEWS RELEASE
California Desert District

Release Date: 07/15/11
Contacts: Stephen Razo, 951-697-5217
David Briery , 951-697-5220

News Release No. CA-CDD-11-51

BLM Initiates Environmental Review For Proposed Tylerhorse Wind Project

The Bureau of Land Management (BLM) today published a notice of intent (NOI) to amend the California Desert Conservation Area Plan and prepare an Environmental Impact Statement (EIS) for the proposed Tylerhorse wind energy project in Kern County, California.

enXco Development Corporation has applied to the BLM for a right-of-way (ROW) on public lands to construct a wind generation power plant facility on 1,100 acres of public lands approximately 15 miles west of California State Highway 14, 12.5 miles south of California State Highway 58 and 8 miles north of State Route 138.

The proposed project would include 34 wind turbines, access roads, and a 34.5 kV energy collection line. Ancillary facilities will be located on the adjacent PdV/Manzana (PdV) project that was approved on private lands by the Kern County Board of Supervisors in 2008 and is currently under construction. Additional roads, transmission lines, and other facilities including substations, operations and maintenance facilities, batch plants, and temporary laydown yards would be provided by the PdV project.

The BLM will prepare an Environmental Impact Statement (EIS) in support of the Draft Plan Amendment (PA) and analyze the site-specific impacts of the proposed project. The Draft PA/EIS will analyze the site-specific impacts on air quality, biological resources, cultural resources, water resources, geological resources and hazards, hazardous materials handling, land use, noise, wilderness characteristics, visual resources and transmission system engineering, and transmission line safety.

Publication of the NOI initiates a public scoping period of 30 days, ending August 15, 2011. During the scoping period, the BLM will solicit public comment on planning issues, concerns, potential impacts, alternatives, and mitigation measures that should be considered in the analysis of the proposed action. Details on public scoping meetings will be released through local news media, newspapers, mailings, and at the BLM website: http://www.blm.gov/ca/st/en/fo/cdd.html at least 15 days prior to the event.

Further details on the proposed wind energy project can be found at the following website: http://www.blm.gov/ca/st/en/fo/cdd.html. For information, contact Cedric Perry at (951) 697-5388, or e-mail cperry@ca.blm.gov.

--BLM--

California Desert District 22835 Calle San Juan de Los Lagos Moreno Valley, CA 92553

Last updated: 07-18-2011

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Appendix B-2

Public Notice (BLM August 31, 2011)

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT NEWS RELEASE
California Desert District

Release Date: 08/31/11
Contacts: Stephen Razo, 951-697-5217
David Briery , 951-697-5220

News Release No. CA-CDD-11-72

BLM Schedules Scoping Meeting, Extends Public Comment Period for Wind Project in Kern County

The Bureau of Land Management (BLM) announced today a public scoping meeting as part of the environmental review process for the Tylerhorse wind energy project in Kern County, Calif. The meeting will be held from 6 - 8 p.m., Wednesday, Sept. 14, 2011, at the Mojave Veterans Building, Room 1, 15580 O Street, Mojave, Calif. The BLM is soliciting public comment on planning issues, concerns, potential impacts, alternatives, and mitigation measures that should be considered in the analysis of the proposed action. The public comment period has been extended to Thursday, Sept. 29, 2011.

enXco Development Corporation has applied to the BLM for a right-of-way (ROW) on public lands to construct a wind generation power plant facility on 1,100 acres of public lands approximately 15 miles west of California State Highway 14, 12.5 miles south of California State Highway 58 and 8 miles north of State Route 138.

The proposed project would include 34 wind turbines, access roads, and a 34.5 kV energy collection line. Ancillary facilities will be located on the adjacent PdV/Manzana (PdV) project that was approved on private lands by the Kern County Board of Supervisors in 2008 and is currently under construction. Additional roads, transmission lines, and other facilities including substations, operations and maintenance facilities, batch plants, and temporary laydown yards would be provided by the PdV project.

The BLM will prepare an Environmental Impact Statement (EIS) in support of the Draft Plan Amendment (PA) and analyze the site-specific impacts of the proposed project. The Draft PA/EIS will analyze the site-specific impacts on air quality, biological resources, cultural resources, water resources, geological resources and hazards, hazardous materials handling, land use, noise, wilderness characteristics, visual resources and transmission system engineering, and transmission line safety.

Further details on the proposed wind energy project can be found at the following website: http://www.blm.gov/ca/st/en/fo/cdd.html. For information, contact Cedric Perry at (951) 697-5388, or e-mail cperry@ blm.gov.

--BLM--

California Desert District 22835 Calle San Juan de Los Lagos Moreno Valley, CA 92553

Last updated: 08-31-2011

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Appendix C-1

Written Comment Form

Public Comment Card

Tylerhorse Wind Energy Project

Commentor Name: _____ Date: _____

Address: _____

Comment: _____

By submitting a scoping comment you will receive a copy of the EIS. Please indicate the format you would prefer:

☐ Compact Disk (CD) or ☐ Hardcopy

How to Comment:

Hardcopy: Use the form on the other side of this sheet. Please fold and staple this form and mail to the address below

Email: catylerhorse@blm.gov Make sure subject line reads "Tylerhorse Wind Energy Project"

☐ Public comments, including names and street addresses of respondents, will be available for public review at Bureau of Land Management, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553, during regular business hours (8:00 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. **If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you MUST check this box.** Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Bureau of Land Management
c/o Cedric Perry, Project Manager
22835 Calle San Juan de Los Lagos
Moreno Valley, CA 92553

Tylerhorse Wind Energy Project

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Appendix C-2

Speaker Comment Card

September 14, 2011

Mojave Veterans Building

15580 O Street

Mojave, California

Tylerhorse Wind Project

Bureau of Land Management

Public Scoping Meeting

Speaker Registration Card

Please complete and return to staff

_____

Name (Print)

_____

Agency (if applicable)

_____

Address **City** **Zip Code**

_____ _____

Phone Number **Email**

September 14, 2011

Mojave Veterans Building

15580 O Street

Mojave, California

Tylerhorse Wind Project

Bureau of Land Management

Public Scoping Meeting

Speaker Registration Card

Please complete and return to staff

_____

Name (Print)

_____

Agency (if applicable)

_____

Address City Zip Code

_____ _____

Phone Number Email

Appendix C-3

Scoping Meeting Presentation

BUREAU OF LAND MANAGEMENT

Tylerhorse Wind Project

SCOPING MEETING

September 14, 2011

Meeting Format

- Opening and Introductions
- BLM Presentation – Jeffery Childers
- enXco Presentation – Richard Miller
- Public Comments
- Instructions for the Public Open House – Jeffery Childers
- Meeting Closes at 8:00 p.m.

National Environmental Policy Act

NEPA

- Purpose of this Meeting
- Establishes a public, interdisciplinary framework for Federal decision-making
- Ensures that agencies take environmental factors into account when considering Federal actions
- Required environmental analysis documents include environmental impact statements (EISs) and environmental assessments (EAs)

BLM's Role

- **BLM Authority**
  - Administration of public lands under Federal Land Policy and Management Act of 1976 (FLPMA)
  - Review of the Land Use Plan and processing of an EIS-Level Land Use Plan Amendment (PA/EIS)
  - California Desert Conservation Plan (1980, as Amended)
  - Issuance of right-of-way grants for use of federal land
  - Lead federal agency for National Environmental Policy Act (NEPA), National Historic Preservation Act, and other federal law compliance
  - Lead agency for consultation with the Fish and Wildlife Service under Section 7 of the Endangered Species Act

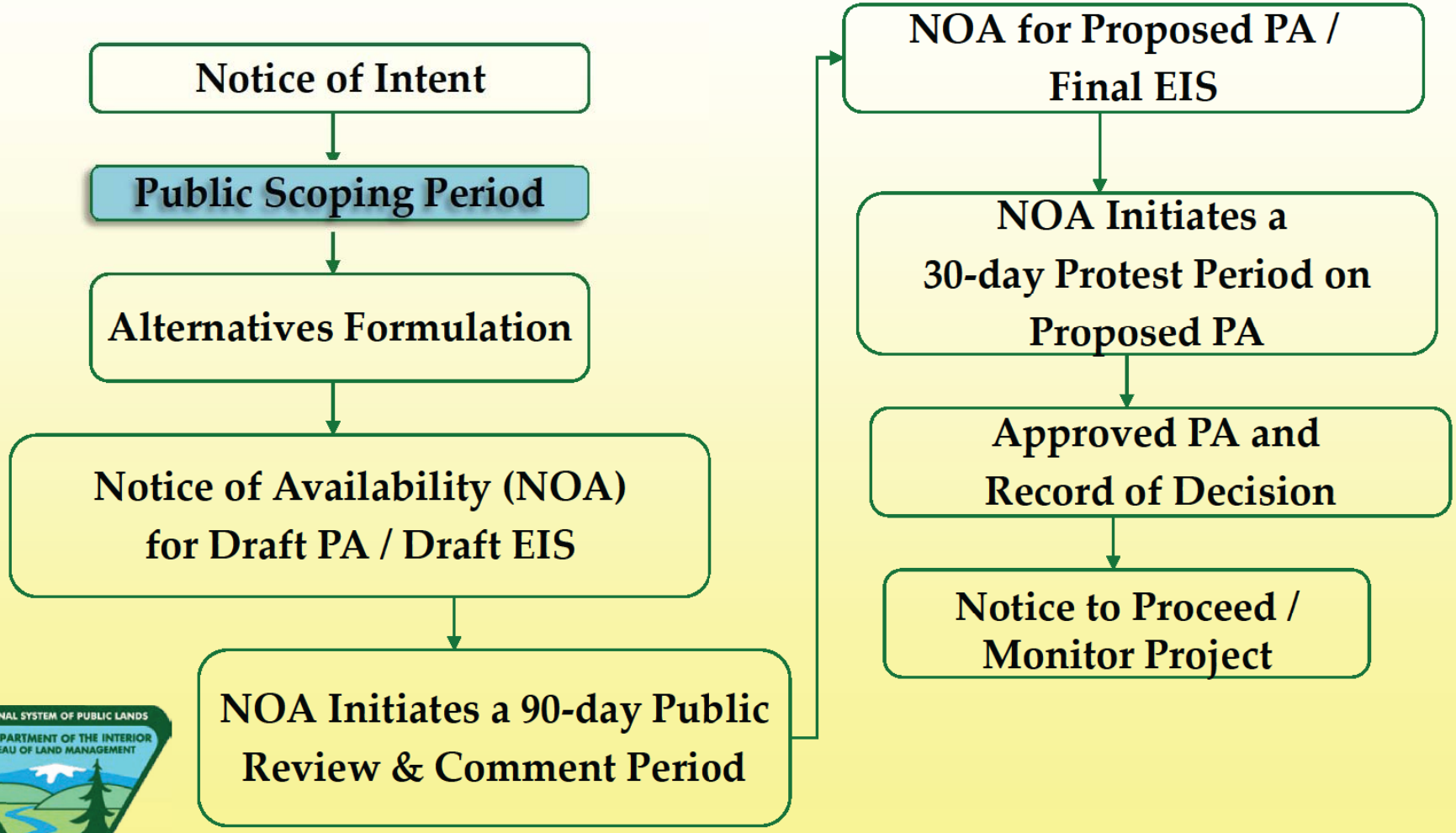
Summary of BLM ROW Processing and Administration

- BLM:
  - Regulations: 43 CFR 2800
  - Right-of-Way Toolkit Information:
    - General ROW http://www.blm.gov/wo/st/en/prog/energy/cost_recovery_regulations.html
    - Wind ROW http://www.blm.gov/wo/st/en/prog/energy/wind_energy.html
    - NEPA http://www.blm.gov/ca/st/en/prog/planning/guidance.html

BLM Authorized Officer's Role

- Initial Response to Proposal
- Pre-application Screening
- Accept Application or Reject Proposal
- Process Application / Land Use Plan Amendment (PA)
  - Conduct Formal Scoping
  - Prepare BLM Planning / NEPA Document (PA/EIS)
- Approve LUP Amendment / Decision on Application
- Authorize the Use and Establish Monitoring
- Administer through Termination

BLM LUP Amendment / NEPA Process (PA / EIS)



NEPA Environmental Issue Areas

- Air Resources
- Cultural Resources
- Environmental Justice, Social Economics / Population and Housing
- Noise
- Public Services, Utilities
- Global Climate Change
- Paleontological Resources
- Public Health and Safety / Hazards and Hazardous Materials
- Recreation
- Transportation and Public Access - OHV
- Soils Resources / Geology
- Lands and Realty, Multiple Use Classes, Special Designations / Land Use and Planning
- Vegetation and Wildlife Resources / Biology
- Visual Resources
- Livestock and Grazing, Wild Horse and Burros / Agriculture and Forestry
- Wildland and Fire Ecology
- Water Resources / Hydrology

Public Participation Opportunities

- Submit written comments or statements
- Become a Formal Cooperating Agency with BLM
- Provide comments at public meetings
- Participate in workshops
- Provide written comments on Scoping, the DEIS and FEIS

Appendix D

September 14, 2011 Scoping Meeting Sign-In Sheet

Public Meeting Sign-in Sheet

Tylerhorse Wind Project

September 14, 2011 6:00 pm to 8:00 pm

Mojave Veterans Building, Room 1, 15580 O Street, Mojave, California

Information Open to FOIA

Name	Organization (if applicable)	Address	Phone Number / Email
1. Helen Lantz		11300 Cameron RD Mojave Ca	
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Appendix E

Comments Received During Scoping Period

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 15 2011

Cedric Perry, Project Manager
California Desert District Office, BLM
22835 Calle San Juan De Los Lagos
Moreno Valley, California 92553-9046

Subject: Notice of Intent to Prepare an Environmental Impact Statement, and Possible Land Use Amendment to the California Desert Conservation Area Plan, for the Proposed enXco Development Corporation's Tylerhorse Wind Project, Kern County, California

Dear Mr. Perry:

The U.S. Environmental Protection Agency has reviewed the July 15, 2011 Notice of Intent to Prepare an Environmental Impact Statement for the Proposed enXco Development Corporation's Tylerhorse Wind Project, Kern County, California, which may include an amendment to the California Desert Conservation Area Plan. Our comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

The EPA supports increasing the development of renewable energy resources, as recommended in the National Energy Policy Act of 2005. Using renewable energy resources such as wind power can help the nation meet its energy requirements while reducing greenhouse gas emissions. To assist in the scoping process for this project, we have identified several issues for your attention in the preparation of the EIS. The proposed project would be located in Kern County near the Tehachapi Pass, near several existing wind energy facilities. We are most concerned about direct and cumulative impacts to aquatic and biological resources, including threatened and endangered species, associated with the multitude of proposed large-scale wind projects in the immediate vicinity of the Tyler Horse Wind Project.

We appreciate the opportunity to review this NOI and are available to discuss our comments. Please send one hard copy of the Draft EIS and one CD ROM copy to this office at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please contact me at (415) 972-3238, or contact Scott Sysum, the lead reviewer for this project. Scott can be reached at (415) 972-3742 or sysum.scott@epa.gov.

Sincerely,

Thomas Plenys
Environmental Review Office
Communities and Ecosystems Division

Enclosure: EPA's Detailed Comments

Printed on Recycled Paper

US EPA DETAILED COMMENTS ON THE NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT, AND POSSIBLE LAND USE AMENDMENT TO THE CALIFORNIA DESERT CONSERVATION AREA PLAN, FOR THE PROPOSED ENXCO DEVELOPMENT CORPORATION'S TYLERHORSE WIND PROJECT, KERN COUNTY, CALIFORNIA, AUGUST 15, 2011

Project Description

Power Partners Southwest LLC (a subsidiary of enXco) has submitted a right-of-way application to the Bureau of Land Management to build a wind energy facility that would generate 60 megawatts of electricity using wind resources. The proposed project would include approximately thirty four wind turbines, access roads, and a 34.5 kV energy collection line. The proposed project would be located in Kern County near the Tehachapi Pass, near several existing wind energy facilities.

The proposed project would use 1,100 acres of BLM-managed land. Ancillary facilities would be located on the adjacent PdV/Manzana wind project that was approved by the Kern County Board of Supervisors on July 29, 2008 and is currently under construction. Additional roads, transmission lines, and other facilities including substations, operations and maintenance facilities, batch plants, and temporary laydown yards would be provided by the PdV project.

Authorization of this proposal may require an amendment to the California Desert Conservation Area Plan. If a land use plan amendment is necessary, BLM intends to integrate the land use planning process with the National Environmental Policy Act process for this project.

Statement of Purpose and Need

The Draft Environmental Impact Statement should clearly identify the underlying purpose and need to which the BLM is responding in proposing the alternatives (40 CFR 1502.13). The *purpose* of the proposed action is typically the specific objectives of the activity, while the *need* for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity.

> *Recommendation:*
> The purpose and need should be a clear, objective statement of the rationale for the proposed project. The DEIS should discuss the proposed project in the context of the larger energy market that this project would serve and discuss how the project will assist the state in meeting its renewable energy portfolio standards and goals.

Alternatives Analysis

The National Environmental Policy Act requires evaluation of reasonable alternatives, including those that may not be within the jurisdiction of the lead agency (40 CFR Section 1502.14(c)). A robust range of alternatives will include options for avoiding significant environmental impacts. The DEIS should provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail. Reasonable alternatives should include, but are not necessarily limited to, alternative sites, capacities, and technologies as well as alternatives that identify environmentally sensitive areas or areas with potential use conflicts. The alternatives analysis should describe the approach used to identify environmentally sensitive areas and describe the process that was used to designate them in terms of sensitivity (low, medium, and high).

The environmental impacts of the proposal and alternatives should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public (40 CFR 1502.14). The potential environmental impacts of each alternative should be quantified to the greatest extent possible (e.g., acres of pristine desert impacted, tons per year of emissions produced).

Recommendations:
The DEIS should describe how each alternative was developed, how it addresses each project objective, and how it will be implemented. The alternatives analysis should include a discussion of alternative sites, capacities, and generating technologies, including different types of renewable energy technologies, and describe the benefits associated with the proposed technology.

The DEIS should clearly describe the rationale used to determine whether impacts of an alternative are significant or not. Thresholds of significance should be determined by considering the context and intensity of an action and its effects (40 CFR 1508.27).

The EPA recommends that the DEIS identify and analyze an environmentally preferred alternative. This alternative should consider options such as downsizing the proposed project within the project area and/or relocating sections/components of the project in other areas, including private land, to reduce environmental impacts.

The EPA strongly encourages BLM and other interested parties to pursue the siting of renewable energy projects on disturbed, degraded, and contaminated sites, including fallow or abandoned agricultural lands, as appropriate, before considering large tracts of undisturbed public lands.

The DEIS should describe the current condition of the land selected for the proposed project, discuss whether the land is classified as disturbed, and describe to what extent the land could be used for other purposes.

The EPA recommends that BLM utilize the Renewable Energy Interactive Mapping Tool to explore whether there are disturbed sites located in proximity to the proposed project that might also be utilized. [1]

Water Resources

Water Supply and Water Quality
Public drinking water supplies and/or their source areas often exist in many watersheds. Source water is water from streams, rivers, lakes, springs, and aquifers that is used as a supply of drinking water. Source water areas are delineated and mapped by the state for each federally-regulated public water system. The 1996 amendments to the Safe Drinking Water Act require federal agencies to protect sources of drinking water for communities. Therefore, the EPA recommends that the DEIS identify:

[1] See Internet site: http://www.epa.gov/renewableenergyland/mapping_tool.htm. Open the Renewable Energy Interactive Map (KMZ) to launch the Renewable Energy Mapping Tool. More detailed information on the EPA tracked sites is available at: http://epa.gov/renewableenergyland/maps/ocpa_renewable_energy_data.xls.

- A discussion of the amount of water needed for the proposed project and where this water will be obtained.
- A discussion of availability of groundwater within the basin and annual recharge rates. A description of the water right permitting process and the status of water rights within that basin, including an analysis of whether water rights have been over-allocated.
- A discussion of cumulative impacts to groundwater supply within the hydrographic basin, including impacts from other large-scale wind installations that have also been proposed.
- An analysis of different types of technology that can be used to minimize or recycle water.
- A discussion of whether it would be feasible to use other sources of water, including potable water, irrigation canal water, wastewater or deep-aquifer water.
- An analysis of the potential for alternatives to cause adverse aquatic impacts such as impacts to water quality and aquatic habitats.

The DEIS should address the potential effects of project discharges, if any, on surface water quality. Specific discharges should be identified and potential effects of discharges on designated beneficial uses of affected waters should be analyzed. If the facility is a zero discharge facility, the DEIS should disclose the amount of process water that would be disposed of onsite and explain methods of onsite containment.

The EPA strongly encourages the BLM to include in the DEIS a description of all water conservation measures that will be implemented to reduce water demands. Project designs should maximize conservation measures such as appropriate use or recycled water for landscaping and industry, xeric landscaping and water conservation education.

In addition, the DEIS should describe water reliability for the proposed project and clarify how existing and/or proposed sources may be affected by climate change. At a minimum, EPA expects a qualitative discussion of impacts to water supply and the adaptability of the project to these changes.

Large turbines require substantial foundations and associated structural and geotechnical engineering considerations. The substantial amount of concrete typically used in foundations for large wind turbines requires a large amount of cement, sand, and aggregate. A typical 1.5 MW wind turbine generator can require up to 6,500 gallons of water for each turbine foundation mixture.

> *Recommendation:*
> The DEIS should describe the availability of a water supply for construction and operation of the proposed project and fully evaluate the environmental impacts associated with using the selected water supply.

Clean Water Act Section 404
The project applicant should coordinate with the U.S. Army Corps of Engineers to determine if the proposed project requires a Section 404 permit under the Clean Water Act. Section 404 regulates the discharge of dredged or fill material into waters of the United States, including wetlands and other *special aquatic sites*. The DEIS should describe all WOUS that could be affected by the

project alternatives, and include maps that clearly identify all waters within the project area. The discussion should include acreages and channel lengths, habitat types, values, and functions of these waters. In addition, EPA suggests that the BLM include a jurisdictional delineation for all WOUS, including ephemeral drainages, in accordance with the 1987 *Corps of Engineers Wetlands Delineation Manual* and the December 2006 *Arid West Region Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region.* A jurisdictional delineation will confirm the presence of WOUS in the project area and help determine impact avoidance or if state and federal permits would be required for activities that affect WOUS.

If a permit is required, EPA will review the project for compliance with *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA ("404(b)(1) Guidelines"). Pursuant to 40 CFR 230, any permitted discharge into WOUS must be the least environmentally damaging practicable alternative (LEDPA) available to achieve the project purpose. The DEIS should include an evaluation of the project alternatives in this context in order to demonstrate the project's compliance with the 404(b)(1) Guidelines. If, under the proposed project, dredged or fill material would be discharged into WOUS, the DEIS should discuss alternatives to avoid those discharges.

The DEIS should describe the original (natural) drainage patterns in the project locale, as well as the drainage patterns of the area during project operations, and identify whether any components of the proposed project are within a 50 or 100-year floodplain. We also recommend the DEIS include information on the functions and locations of WOUS, as well as ephemeral washes in the project area, because of the important hydrologic and biogeochemical role these washes play in direct relationship to higher-order waters downstream.

Clean Water Act Section 303(d)
The CWA requires States to develop a list of impaired waters that do not meet water quality standards, establish priority rankings, and develop action plans, called Total Maximum Daily Loads, to improve water quality.

> *Recommendation:*
> The DEIS should provide information on CWA Section 303(d) impaired waters in the project area, if any, and efforts to develop and revise TMDLs. The DEIS should describe existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with on-going protection efforts, and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

Drainages, Ephemeral Washes, and Floodplains
The DEIS should consider the up-and-downstream reach and extent of waters and their importance in this landscape. Natural washes perform a diversity of hydrologic, biochemical, and geochemical functions that directly affect the integrity and functional condition of higher-order waters downstream. Healthy ephemeral waters with characteristic plant communities control rates of sediment deposition and dissipate the energy associated with flood flows. Ephemeral washes also provide habitat for breeding, shelter, foraging and movement of wildlife. Many plant populations are dependent on these aquatic ecosystems and adapted to their unique conditions. The potential damage that could result from disturbance of flat-bottomed washes includes alterations to the hydrological functions that natural

channels provide in arid ecosystems, such as adequate capacity for flood control, energy dissipation and sediment movement; as well as impacts to valuable habitat for desert species.

Recommendations:
The EPA recommends that the DEIS characterize the functions of any aquatic features that could be affected by the proposed project and are determined not to constitute waters of the U.S. and discuss potential mitigation.

To avoid and minimize direct and indirect impacts to desert washes (such as erosion, migration of channels and local scour), as applicable:

- Utilize existing natural drainage channels on site and more natural features, such as earthen berms or channels, rather than concrete-lined channels.
- Commit to the use of natural washes, in their present location and natural form and including adequate natural buffers, for flood control to the maximum extent practicable.

Discuss the availability of sufficient compensation lands within the project's watershed to replace desert wash functions lost on the Project site.

Construction Stormwater Discharge Permit
The Notice of Intent does not state the total disturbance for the project. Given the scope of this project, it is anticipated that the project will disturb more than one acre of soil during the construction phase. Lack of vegetation and periodic disturbance due to maintenance in these areas would potentially increase sedimentation and decrease water quantity.

The California State Water Resources Control board requires owner/operators to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity if the project will disturb more than one acre of soil. Given the disturbance area for this project, California State Water Resources Control Board General Permit associated with construction activity - Construction General Permit Order 2009-0009-DWQ - would likely be required. Additionally, a Stormwater Pollution Prevention Plan, that includes erosion control measures, would need to be generated for the project and implemented on-site.

The SWPPP would include the elements described in the Construction General Permit, including a site map(s) showing the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP also would list Best Management Practices, including erosion control BMPs that would be used to protect stormwater runoff, and include a description of required monitoring programs.

Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP. Guidance from other documents, such as the EPA document entitled "Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites" also could be used in the development of the SWPPP.

Recommendation:
The EPA recommends that the applicant determine the need for a California State Water Resources Control Board General Permit associated with construction activity Construction General Permit Order 2009-0009-DWQ. If such a permit is required, include a description of the proposed stormwater pollution control and mitigation measures in the DEIS.

Biological Resources and Habitat

During construction of the proposed project, vegetation would be cleared and soils moved during the construction of roads, wind turbine foundations, and other facilities. The DEIS should describe the current quality and capacity of habitat and its use by wildlife in the proposed project area, including golden eagles and condors, as well as other avian species including bats. The DEIS should describe the critical habitat for the species; identify any impacts the proposed project will have on the species and their critical habitats; and how the proposed project will meet all requirements under the Endangered Species Act, including consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Game.

Wind energy generation projects have the potential to disrupt important wildlife species habitat, resulting in mortality of migratory species such as birds and bats due to collisions with rotors. The DEIS should consider whether migratory birds are likely to use the project area and avoid, if possible: 1) areas supporting a high density of wintering or migratory birds, 2) areas with high level of raptor activity, and 3) breeding, wintering or migrating populations of less abundant species which may be sensitive to increased mortality as a result of collision.

A comprehensive monitoring program should be designed to evaluate impacts on bats and avian species. We suggest that the BLM conduct pre-construction baseline surveys to evaluate the site for its importance to bats and avian species, as well as post-construction surveys to determine the extent of mortalities and to determine the effectiveness of mitigation measures. Surveys should be conducted by a qualified biologist during the appropriate time of year. BLM actions should promote the recovery of declining populations of species. Collision risk depends on a range of factors related to species, numbers and behavior, weather conditions, topography, and lighting. The DEIS should identify and describe specific turbine types and their operating characteristics and consider turbine design standards that minimize adverse impacts to wildlife, particularly birds and bats. Consideration should be given to reducing the perching and nesting opportunities, which may help reduce potential collisions.

The DEIS should identify all petitioned and listed threatened and endangered species that might occur within the project area. The DEIS should identify and quantify which species might be directly or indirectly affected by each alternative. The DEIS should discuss the potential for habitat fragmentation and impediments to wildlife movements which are among the greatest threats to desert communities and species, and that maximizing habitat connectivity is essential to climate change adaptation[2]. The California Condor is listed as an endangered species under the Federal Endangered Species Act and is also fully protected pursuant to Fish and Game Code, Section 3511. All raptor and owl species are protected under the Migratory Bird Treaty Act. The golden eagle and bald eagle also receive protection

[2] Recommendations of Independent Science Advisors for the California Desert Renewable Energy Conservation Plan, DRECP Independent Science Advisors, October, 2010,

under the Bald and Golden Eagle Protection Act. The MBTA, however, has no provision for allowing unauthorized take. In September 2009, the FWS finalized permit regulations[3] under the BGEPA for the take of bald and golden eagles on a limited basis, provided that the take is compatible with preservation of the eagle and cannot be practicably avoided. The final rule states that if advanced conservation practices can be developed to significantly reduce take, the operator of a wind-power facility may qualify for a programmatic take permit. Most permits under the new regulations would authorize *disturbance,* rather than take. In February 2011 FWS issued Draft Eagle Conservation Plan Guidance which provides additional background information necessary for wind energy project proponents to prepare an Eagle Conservation Plan that will assess the risk of their project(s) to eagles and how siting, design, and operational modifications can mitigate that risk.

Recommendations:

Design a comprehensive monitoring program to evaluate impacts on bats and avian species, and discuss design and management measures to minimize adverse impacts to wildlife and native and rare plants.

Identify specific measures to reduce impacts to eagles and clarify how the proposed project will comply with the MBTA and BGEPA.

Commit to additional data collection/analysis to identify areas that are important to bald and golden eagles to ensure proper siting and avoid take of these species.

Consider site specific risk mapping for avian species of concern as a means to site individual wind turbines in lower risk areas. An example of this type of study was performed at the Altamont Wind Resource Area[4]. This study was funded by the California Energy Commission's Public Interest Energy Research program.

Discuss the applicability of the recently finalized FWS permit regulations (50 CFR parts 13 and 22) to the proposed project. Elaborate on process and/or likelihood of obtaining a permit via these regulations.

Discuss in the DEIS the applicability of the recent Eagle Conservation Plan Guidelines to the proposed project. Elaborate on siting, design, and operational modifications that will mitigate impacts.

The DEIS should describe the potential for habitat fragmentation and obstructions for wildlife movement.

If alternatives cannot be developed that avoid the take of eagles, develop an operational monitoring and adaptive management plan to address this issue.

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[3] See Eagle Permits, 50 CFR parts 13 and 22, issued Sept. 11, 2009. See internet address: http://www.fws.gov/migratorybirds/CurrentBirdIssues/BaldEagle/Final%20Disturbance%20Rule%209%20Sept%202009.pdf

[4] Smallwood, K. S., and L. Neher. 2008. Map-Based Repowering of the Altamont Pass Wind Resource Area Based on Burrowing Owl Burrows, Raptor Flights, and Collisions with Wind Turbines. California Energy Commission, PIER Energy-Related Environmental Research Program. CEC-500-2009-065.

Determine if the proposed project is within the existing or historical ranges of the California condor or have the potential to impact future expanded populations and consult with FWS and CDFG early in the process.

Indicate what mitigation measures will be taken to protect important wildlife habitat areas from potential adverse effects of proposed covered activities.

Discuss mechanisms in the DEIS that would: 1) protect into perpetuity any compensatory mitigation lands that are selected; and 2) exclude the non-developed portion of a subject ROW from further disturbance or development.

The DEIS should include the requirement for the owner to provide financial assurance for any required mitigation projects. Such assurances can be provided by third-party institutions, such as surety bonding companies, insurance companies, banks and other financial institutions that agree to hold themselves financially liable for the failure of a responsible party to perform compensatory mitigation obligations.

The US Fish and Wildlife Service published on March 4, 2010 a set of guidelines and recommendations[5] on how to avoid and minimize impacts of land-based wind farms on wildlife and habitat. Further revisions and clarifications were published in February 2011 in the Draft Voluntary Land-Based Wind Energy Guidelines.[6] The document was prepared by the Wind Turbine Guidelines Advisory Committee and contains both policy recommendations and recommended voluntary guidelines for siting and operating wind energy projects in order to avoid or minimize potential impacts to wildlife and habitat.

The Committee's Guidelines utilize a "tiered approach" to assess potential impacts to wildlife and their habitats. The five tiers include: 1) preliminary evaluation or screening of sites; 2) site characterization; 3) field studies to document site wildlife conditions and predict project impacts; 4) post-construction fatality studies; and 5) other post-construction studies. The Committee's Guidelines provide a consistent methodology for conducting pre-construction risk assessments and post-construction impact assessments to guide siting decisions by developers and agencies. Furthermore, the Guidelines address all elements of a wind energy facility, including the turbine string or array, access roads, ancillary buildings, and the above-and below-ground electrical lines which connect a project to the transmission system.

Recommendations:
Discuss in the DEIS the applicability of the recent Land-Based Wind Energy Guidelines to the proposed project. Elaborate on siting, design, and operational modifications that will mitigate impacts.

Consider utilizing unique types of radar technology to monitor for bird and bats.[7]

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[5] U.S. Fish and Wildlife Service Wind Turbine Guidelines Advisory Committee Recommendations, submitted to the Secretary of the Interior by the U.S. Fish and Wildlife Service, March 4, 2010. See Internet address: http://www.fws.gov/habitatconservation/windpower/Wind_Turbine_Guidelines_Advisory_Committee_Recommendations_Secretary.pdf

[6] U.S. Fish and Wildlife Service Draft Land-Based Wind Energy Guidelines, February 8, 2011. See Internet address: http://www.fws.gov/windenergy/

[7] For example, see http://www.detect-inc.com/avian.html and http://www.upi.com/Science_News/Resource-

Consider a tactical shut down option during critical hours of species activity, as appropriate, to minimize adverse impacts on such species.

Consider blade feathering/idling (including on-the-spot and seasonal shutdowns), reducing cut-in speeds, and adjusting turbine speeds during strategic intervals to reduce take and to prevent mortality.

Invasive Species

Executive Order 13112, *Invasive Species* (February 3, 1999), mandates that federal agencies take actions to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause. Executive Order 13112 also calls for the restoration of native plants and tree species. If the proposed project will entail new landscaping, the DEIS should describe how the project will meet the requirements of Executive Order 13112.

Recommendation:
The DEIS should include an invasive plant management plan to monitor and control noxious weeds.

Cumulative and Indirect Impacts

The cumulative impacts analysis should identify how resources, ecosystems, and communities in the vicinity of the project have already been affected by past or present activities in the project area. Characterize these resources in terms of their response to change and capacity to withstand stresses. Trends data should be used to establish a baseline for the affected resources, to evaluate the significance of historical degradation, and to predict the environmental effects of the project components.

For the cumulative impacts assessment, we recommend focusing on resources of concern or resources that are "at risk" and/or are significantly impacted by the proposed project, before mitigation. For this project, the BLM should ensure that a thorough assessment of the cumulative impacts to bird and bat species is included, especially in the context of the larger wind power developments occurring nearby including the Alta Wind Energy Center, PdV/Manzana Wind, Catalina Wind Energy Project, Pacific Wind and the Antelope Valley Wind Farm. In general, individual projects may not significantly affect bird or bat populations, but the BLM should look at cumulative impacts based upon the avian and bat fatalities accumulating under all future wind development scenarios in the Tehachapi area. Based on Kern County's projections, at least 10 additional proposed wind projects in the immediate vicinity could result in development of an additional 2000 mega watts of wind energy power[8].

EPA assisted in the preparation of a guidance document for assessing cumulative impacts and we recommend consideration of its use for the DEIS. While this guidance was prepared for transportation projects in California, the principles and the 8-step process outlined therein can be applied to other types

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Wars/2010/03/18/Radar-reduces-wind-farm-risk-to-birds/UPI-71441268920323/. These resources are provided as examples only and do not constitute endorsement of any particular product by EPA.

[8]See http://www.co.kern.ca.us/planning/pdfs/renewable/wind_projects.pdf

of projects and offers a systematic way to analyze cumulative impacts for a project. The guidance is available at: http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm. In the introduction to the *Cumulative Impacts Section*, identify which resources are analyzed, which ones are not, and why. For each resource analyzed, the DEIS should:

- Identify the current condition of the resource as a measure of past impacts. For example, the percentage of species habitat lost to date.
- Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or in stasis.
- Identify all on-going, planned, and reasonably foreseeable projects in the study area that may contribute to cumulative impacts.
- Identify the future condition of the resource based on an analysis of impacts from reasonably foreseeable projects or actions added to existing conditions and current trends.
- Assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource, and provide a specific measure for the projected impact from the proposed alternatives.
- When cumulative impacts are identified for a resource, mitigation should be proposed.
- Disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.
- Identify opportunities to avoid and minimize impacts, including working with other entities.

Recommendations:
The DEIS should consider the cumulative impacts associated with multiple large-scale renewable energy projects proposed in the western Mojave desert/Tehachapi area and the potential impacts on various resources including: water supply, endangered species, and habitat.

The BLM and project proponents should consider a regional assessment of resource impacts, including cumulative impacts to avian and bat populations, given the large number of wind energy projects either built or planned for the region.

The DEIS should discuss the adequacy of the current and future transmission line capacity for all the regional wind projects and whether the capacity can accommodate the multiple proposed wind projects slated for operation.

As an indirect result of providing additional power, it can be anticipated that these projects will allow for development and population growth to occur in those areas that receive the generated electricity.

Recommendation:
The DEIS should describe the reasonably foreseeable future land use and associated impacts that will result from the additional power supply. The document should provide an estimate of the amount of growth, its likely location, and the biological and environmental resources at risk.

Climate Change

Scientific evidence supports the concern that continued increases in greenhouse gas emissions resulting from human activities will contribute to climate change. Global warming is caused by emissions of carbon dioxide and other heat-trapping gases. On December 7, 2009, the EPA determined that emissions

of GHGs contribute to air pollution that "endangers public health and welfare" within the meaning of the Clean Air Act. One report indicates that observed changes in temperature, sea level, precipitation regime, fire frequency, and agricultural and ecological systems reveal that California is already experiencing the measurable effects of climate change[9]. The report indicates that climate change could result in the following changes in California: poor air quality; more severe heat; increased wildfires; shifting vegetation; declining forest productivity; decreased spring snowpack; water shortages; a potential reduction in hydropower; a loss in winter recreation; agricultural damages from heat, pests, pathogens, and weeds; and rising sea levels resulting in shrinking beaches and increased coastal floods.

Recommendations:
The DEIS should consider how climate change could potentially influence the proposed projects, specifically within sensitive areas, and assess how the projected impacts could be exacerbated by climate change.

The DEIS should quantify and disclose the anticipated climate change *benefits* of wind energy. We suggest quantifying greenhouse gas emissions from different types of generating facilities including solar, geothermal, natural gas, coal-burning, and nuclear and compiling and comparing these values.

Air Quality

The DEIS should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards, criteria pollutant nonattainment areas, and potential air quality impacts of the proposed projects (including cumulative and indirect impacts). Such an evaluation is necessary to assure compliance with State and Federal air quality regulations, and to disclose the potential impacts from temporary or cumulative degradation of air quality.

The DEIS should describe and estimate air emissions from potential construction and maintenance activities, as well as proposed mitigation measures to minimize those emissions. EPA recommends an evaluation of the following measures to reduce emissions of criteria air pollutants and hazardous air pollutants (air toxics).

Recommendations:

- *Existing Conditions* – The DEIS should provide a detailed discussion of ambient air conditions, National Ambient Air Quality Standards, and criteria pollutant nonattainment areas in all areas considered for solar development.

- *Quantify Emissions* – The DEIS should estimate emissions of criteria pollutants from the proposed projects and discuss the timeframe for release of these emissions over the lifespan of the projects. The DEIS should describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions.

[9] Moser, Susie, Guido Franco, Sarah Pittiglio, Wendy Chou, Dan Cayan. 2009. The Future Is Now: An Update on Climate Change Science Impacts and Response Options for California. California Energy Commission, PIER Energy-Related Environmental Research Program. CEC-500-2008-071.

- *Specify Emission Sources* – The DEIS should specify the emission sources by pollutant from mobile sources, stationary sources, and ground disturbance. This source specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention.

- *Construction Emissions Mitigation Plan* – The DEIS should include a Construction Emissions Mitigation Plan. In addition to all applicable local, state, or federal requirements, the EPA recommends that the following mitigation measures be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of particulate matter and other toxics from construction-related activities:

  - *Fugitive Dust Source Controls:* The DEIS should identify the need for a Fugitive Dust Control Plan and how that plan will comply with the Eastern Kern County Air Pollution Control District Rule 402 for control of fugitive dust emissions. We recommend that the plan include these general commitments:
    - Stabilize heavily used unpaved construction roads with a non-toxic soil stabilizer or soil weighting agent that will not result in loss of vegetation, or increase other environmental impacts.
    - During grading use water, as necessary, on disturbed areas in construction sites to control visible plumes.
    - Vehicle Speed
      - Limit speeds to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
      - Limit speeds to 10 miles per hour or less on unpaved areas within construction sites on unstabilized (and unpaved) roads.
      - Post visible speed limit signs at construction site entrances.
    - Inspect and wash construction equipment vehicle tires, as necessary, so they are free of dirt before entering paved roadways, if applicable.
    - Provide gravel ramps of at least 20 feet in length at tire washing/cleaning stations, and ensure construction vehicles exit construction sites through treated entrance roadways, unless an alternative route has been approved by appropriate lead agencies, if applicable.
    - Use sandbags or equivalent effective measures to prevent run-off to roadways in construction areas adjacent to paved roadways. Ensure consistency with the project's Storm Water Pollution Prevention Plan, if such a plan is required for the project
    - Sweep the first 500 feet of paved roads exiting construction sites, other unpaved roads en route from the construction site, or construction staging areas whenever dirt or runoff from construction activity is visible on paved roads, or at least twice daily (less during periods of precipitation).
    - Stabilize disturbed soils (after active construction activities are completed) with a non-toxic soil stabilizer, soil weighting agent, or other approved soil stabilizing method.
    - Cover or treat soil storage piles with appropriate dust suppressant compounds and disturbed areas that remain inactive for longer than 10 days. Provide vehicles

(used to transport solid bulk material on public roadways and that have potential to cause visible emissions) with covers. Alternatively, sufficiently wet and load materials onto the trucks in a manner to provide at least one foot of freeboard.
    - Use wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) where soils are disturbed in construction, access and maintenance routes, and materials stock pile areas. Keep related windbreaks in place until the soil is stabilized or permanently covered with vegetation.

- *Mobile and Stationary Source Controls:*
    - If practicable, lease new, clean equipment meeting the most stringent of applicable Federal[10] or State Standards[11]. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible[12].
    - Where Tier 4 engines are not available, use construction diesel engines with a rating of 50 hp or higher that meet, at a minimum, the Tier 3 California Emission Standards for Off-Road Compression-Ignition Engines[13], unless such engines are not available.
    - Where Tier 3 engine is not available for off-road equipment larger than 100 hp, use a Tier 2 engine, or an engine equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides and diesel particulate matter to no more than Tier 2 levels.
    - Consider using electric vehicles, natural gas, biodiesel, or other alternative fuels during construction and operation phases to reduce the project's criteria and greenhouse gas emissions.
    - Plan construction scheduling to minimize vehicle trips.
    - Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections.
    - Maintain and tune engines per manufacturer's specifications to perform at CARB and/or EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed.

- *Administrative controls:*
    - Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips.
    - Identify any sensitive receptors in the project area, such as children, elderly, and infirmed, and specify the means by which you will minimize impacts to these populations (e.g. locate construction equipment and staging zones away from sensitive receptors and building air intakes).
    - Include provisions for monitoring fugitive dust in the fugitive dust control plan and initiate increased mitigation measures to abate any visible dust plumes.

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[10] EPA's website for nonroad mobile sources is http://www.epa.gov/nonroad/.
[11] For California, see ARB emissions standards, see: http://www.arb.ca.gov/msprog/offroad/offroad.htm.
[12] Diesel engines < 25 hp rated power started phasing in Tier 4 Model Years in 2008. Larger Tier 4 diesel engines will be phased in depending on the rated power (e.g., 25 hp - <75 hp: 2013; 75 hp - < 175 hp: 2012-2013; 175 hp - < 750 hp: 2011 - 2013; and ≥ 750 hp 2011- 2015).
[13] as specified in California Code of Regulations, Title 13, section 2423(b)(1)

Noise Impacts

The DEIS should include an assessment of noise levels from the wind turbines. Decibel levels of the turbines should be evaluated as should the effects of noise levels on a variety of species, as well as effects on property values, residences, and recreational use.

Visual Impacts

Careful attention should be given to how a wind turbine array is set against the landscape. Steps should be taken to minimize the visual impacts and make the wind turbines less obtrusive.

Hazardous Materials/Hazardous Waste/Solid Waste

The DEIS should address potential direct, indirect and cumulative impacts of hazardous waste from construction and operation. The document should identify projected hazardous waste types and volumes, and expected storage, disposal, and management plans. It should address the applicability of state and federal hazardous waste requirements. Appropriate mitigation should be evaluated, including measures to minimize the generation of hazardous waste (i.e., hazardous waste minimization). Alternate industrial processes using less toxic materials should be evaluated as mitigation. This potentially reduces the volume or toxicity of hazardous materials requiring management and disposal as hazardous waste.

Wind Turbine Production and Recycling
Wind turbine production can address the full product life cycle, from raw material sourcing through end of life collection and reuse or recycling. Wind turbine companies can minimize their environmental impacts during raw material extraction and minimize the amount of rare materials used in the product. Collection and recycling can be facilitated through buy-back programs or collection and recycling guarantees. Some companies provide recycling programs that pay all packaging, transportation, and recycling costs.

> *Recommendation:*
> EPA recommends that the proponent strive to address the full product life cycle by sourcing wind turbine components from a company that: 1) minimizes environmental impacts during raw material extraction; 2) manufactures wind turbines in a zero waste facility; and 3) provides future disassembly for material recovery for reuse and recycling.

Project Decommissioning, Site Restoration and Financial Assurance

On the average, a lifespan of a wind park is 20-30 years. The life of the proposed wind project should be taken into consideration regarding decommissioning and reclamation.

> *Recommendation:*
> The EPA recommends that the DEIS include a requirement for a decommissioning and site restoration plan to include cost estimates; the project owner to secure a performance bond surety bond, letter of credit, corporate guarantee, or other form of financial assurance adequate to cover the cost of decommissioning/restoration; description of the conditions when decommissioning

will commence; description of time allotted to complete the decommissioning; description of the structures, facilities, and foundations to be removed; and restoration of the site by recontouring the surface and revegetation to a condition reasonably similar to the original condition.

Coordination with Tribal Governments

Executive Order 13175

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes.

Recommendation:
The DEIS should describe the process and outcome of government-to-government consultation between the BLM and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative.

National Historic Preservation Act and Executive Order 13007

Consultation for tribal cultural resources is required under Section 106 of the National Historic Preservation Act (NHPA). Historic properties under the National Historic Preservation Act (NHPA) are properties that are included in the National Register of Historic Places (NRHP) or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, consult with the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO). Under NEPA, any impacts to tribal, cultural, or other treaty resources must be discussed and mitigated. Section 106 of the NHPA requires that Federal agencies consider the effects of their actions on cultural resources, following regulation in 36 CFR 800.

Executive Order 13007, *Indian Sacred Sites* (May 24, 1996), requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian Religious practitioners, and to avoid adversely affecting the physical integrity, accessibility, or use of sacred sites. It is important to note that a sacred site may not meet the National Register criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site.

Recommendation:
The DEIS should address the existence of Indian sacred sites in the project areas. It should address Executive Order 13007, distinguish it from Section 106 of the NHPA, and discuss how the BLM will avoid adversely affecting the physical integrity, accessibility, or use of sacred sites, if they exist. The DEIS should provide a summary of all coordination with Tribes and with the SHPO/THPO, including identification of NRHP eligible sites, and development of a Cultural Resource Management Plan.

Environmental Justice and Impacted Communities

The recently signed interagency Memorandum of Understanding on Environmental Justice and Executive Order 12898 (August 4, 2011) and the Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994) directs federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, allowing those populations a meaningful opportunity to participate in the decision-making process. Guidance[14] by CEQ clarifies the terms low-income and minority population (which includes American Indians) and describes the factors to consider when evaluating disproportionately high and adverse human health effects.

> *Recommendations:*
> The DEIS should include an evaluation of environmental justice populations within the geographic scope of the projects. If such populations exist, the DEIS should address the potential for disproportionate adverse impacts to minority and low-income populations, and the approaches used to foster public participation by these populations. Assessment of the projects impact on minority and low-income populations should reflect coordination with those affected populations.
>
> The DEIS should describe outreach conducted to all other communities that could be affected by the project, since rural communities may be among the most vulnerable to health risks associated with the project.

Coordination with Land Use Planning Activities

The DEIS should discuss how the proposed action would support or conflict with the objectives of federal, state, tribal or local land use plans, policies and controls in the project areas. The term "land use plans" includes all types of formally adopted documents for land use planning, conservation, zoning and related regulatory requirements. Proposed plans not yet developed should also be addressed it they have been formally proposed by the appropriate government body in a written form (CEQ's Forty Questions, #23b).

[14] Environmental Justice Guidance under the National Environmental Policy Act, Appendix A (Guidance for Federal Agencies on Key Terms in Executive Order 12898), CEQ, December 10, 1997.

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August 12, 2011

Cedric Perry
California Desert District Office
Bureau of Land Management
22835 Calle San Juan de Los Lagos
Moreno Valley, California 92553-9046
(Via email to: catylerhorse@blm.gov)

Re: **Notice of Intent To Prepare an Environmental Impact Statement for the enXco Development Corporation's Tylerhorse Wind Project, Kern County, CA, and Possible Land Use Plan Amendment; CACA 51561**

Dear Mr. Perry:

Defenders of Wildlife appreciate the opportunity to submit issue scoping comments on the proposed Tylerhorse Wind Project. Our scoping comments are provided to assist the Bureau of Land Management (BLM) in preparing an Environmental Impact Statement (EIS) of the proposed project, including identification of alternatives to the proposed project and measures for avoiding or minimizing adverse environmental impacts.

Defenders has approximately 1,100,000 members and supporters nationally, approximately 99,000 of whom reside in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To this end, we employ science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions in order to impede the accelerating rate of extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

As we transition toward a clean energy future, it is imperative for our future and the future of our wild places and wildlife that we strike a balance between addressing the near term impacts of large scale wind energy development with the long-term impacts of climate change on our biological diversity, fish and wildlife habitat, and natural landscapes. To ensure that the proper balance is achieved, we need smart planning for renewable power that avoids and minimizes adverse impacts on wildlife and wild lands. These projects should be placed in the least harmful locations, near existing transmission lines and already disturbed lands.

We strongly support the emission reduction goals found in the Global Warming Solutions Act of 2006, AB 32, including the development of renewable energy in California. We also support the

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expeditious approval of renewable energy projects that are proposed in environmentally suitable locations and that will provide sustained generation of electrical energy.

Despite our fundamental belief in the critical importance of agency-guided development of renewable energy, rather than developer-initiated development, we have invested a great deal of time and effort into the fast track projects, and will engage on individual projects, such as this one, in 2011. We are engaging on these projects in response to the emphasis the Department, the BLM and the State of California place on renewable energy development because of their potential in helping achieve environmental and economic benefits. We are also doing so because we want to make the projects as environmentally sensitive as they can be and because we want to ensure, to the extent possible, that their accompanying environmental documents are as sound as they can be.

Description of the Proposed Project: The proposed Tylerhorse Wind Project entails the construction, operation and decommissioning of a 60 MW wind farm located on approximately 1,100 acres of public land in the transition zone between the Antelope Valley and the Tehachapi Mountains within Kern County. The proposed project includes 34 wind turbines, access roads, and an electrical power collection line to the adjacent PdV wind project which is under construction on private land.

BLM-identified Preliminary Issues: In the Notice of Intent (NOI), BLM identified preliminary issues that would be analyzed in the Environmental Impact Statement: air quality and greenhouse gas emissions; biological resources, including special status species, Golden Eagles and California Condors. Defenders is pleased the BLM recognizes that the proposed project may entail adverse impacts on the Golden Eagle and California Condor and other species.

Issue Scoping Comments: Our issue scoping comments are as follows, according to subject.

1. Effect on biological resources. The proposed project is located in an area of the western Antelope Valley adjacent to the Tehachapi Mountains that is undergoing considerable wind energy development. Although the NOI didn't provide a basic description of the affected environment, we have reviewed several environmental documents for similar projects located in this general area published by the Kern County Planning and Community Development Department. These include the PdV wind project which was approved by Kern County in 2008 and located immediately adjacent to the proposed project, and the proposed Catalina Renewable Energy Project which is under review by Kern County. Based on our review of the environmental analyses for these projects, and other documents, we recommend the following biological resources be addressed in the EIS for the Tylerhorse Wind Project.
    - California Condor. California Condor tracking data collected from 2005 through July 2011 by the U.S. Fish and Wildlife Service (FWS) indicate condors traverse areas located approximately five-miles west and north of the proposed project. As condors

continue to recover and expand into suitable habitat, there is potential for condor impacts from collisions with wind turbines, although this potential appears to be low at the present time. We recommend BLM, in conjunction with the FWS and California Department of Fish and Game (CDFG), develop a robust and effective long-term monitoring and impact avoidance plan for wind energy development on the California Condor on a regional scale. It is critically important that measures be identified and implemented that would preclude any loss of California Condors by wind turbine strikes.

- Golden Eagle. Although it appears nesting Golden Eagles do not nest within or adjacent to the project site, they would likely use the area for occasional foraging. We recommend BLM, in conjunction with the FWS and CDFG, develop a robust and effective long-term monitoring and impact avoidance plan for wind energy development on the Golden Eagle on a regional scale. Recent and significant mortality of Golden Eagles has occurred at the Pine Tree wind farm located north of Mojave in the southern Sierra, and many wind projects are in operation or planned in the Tehachapi Wind Resource Area.
- Swainson's Hawk. This species is listed as threatened in California by the Fish and Game Commission, and is a BLM Sensitive species. It is known to nest in limited numbers in some Joshua Tree Woodlands in the western Antelope Valley and migrates through the same area in larger numbers. The effects of the proposed project on this species should be addressed, and a regional-scale impact monitoring and avoidance plan should be prepared due to the large number wind and solar energy projects developed and planned in this region.
- Desert Tortoise. Although the project would affect habitat of the Desert Tortoise, its occurrence in the area is likely sporadic and very low. We recommend BLM address the loss of its habitat due to the proposed project and identify mitigation measures consistent with the California Desert Conservation Area (CDCA) Plan (i.e., habitat loss compensation) if surveys indicate it occurs within the affected area.
- Mohave Ground Squirrel (MGS). The proposed project is located on lands included in the Kern County Study Area according to the CDCA Plan, as amended for the West Mojave planning area in 2006. Public lands within this study area, comprised on approximately 23 sections, are to be systematically surveyed through live-trapping. We recommend that such trapping be conducted on the area affected by the proposed project as part of BLM's implementation of the CDCA Plan provisions for this species. Furthermore, if the area is found to be occupied by this species, then an impact mitigation plan should be developed and implemented, consistent with the provisions of the CDCA Plan.

2. Effect on Regional Habitat Linkages. The proposed project area is located in or adjacent to a transition habitat area of the Mojave Desert and Tehachapi Mountains, an area that has been the subject of various ecosystem and habitat connectivity studies.

We recommend the analysis of effects on habitat linkages be based, in part, on three recent reports: 1) a Mojave Desert ecosystem assessment[1], 2) a statewide habitat connectivity study[2], and 3) a habitat linkage study termed the Tehachapi Connection[3]. These reports indicate that, generally, the ecological value of the land that would support the proposed project may be moderately degraded due to existing and past human uses, and that it lies adjacent to a conceptual zone of lands along the eastern Tehachapi Mountains that has been identified as an essential habitat connectivity area. The most detailed of the above studies, the report on the Tehachapi Connection.

3. Purpose and Need and Range of Alternatives. Based on our recent experience in analyzing and commenting on many NEPA and CEQA documents for fast-track renewable energy projects in the California Desert, which were published by the Bureau of Land Management (BLM) and various state agencies, we strongly recommend that particular attention be paid to developing accurate and factual sections of the NEPA document for this project for, 1) purpose and need, and 2) alternatives to the proposed action. The purpose and need statement should not simply indicate that the agencies are responding to an applicant's request for agency-issued permits for a proposed project.

   Alternatives to the Project are extremely important considering that renewable energy projects in the California Desert Conservation Area (CDCA), individually and cumulatively, have resulted in the allocation of tens of thousands of acres of ecologically intact public lands to single-use, utility scale energy projects in just the past year. The range of alternatives must be carefully and methodically developed as a means to primarily avoid, and secondarily to minimize, adverse impacts to significant natural and cultural resources. Alternatives to the Project, including alternative locations and reduced project size need to be fully considered and analyzed, especially in the event that the project, as proposed, would result in significant adverse impacts.

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[1] Randall, J. M., S.S. Parker, J. Moore, B. Cohen, L. Crane, B. Christian, D. Cameron, J. MacKenzie, K. Klausmeyer and S. Morrison. 2010. Mojave Desert Ecoregional Assessment. Unpublished Report. The Nature Conservancy, San Francisco, California. 106 pages + appendices. Available at: http://conserveonline.org/workspaces/mojave/documents/mojave-desert-ecoregional-2010/@@view.html.

[2] Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration. Available at: http://www.dot.ca.gov/hq/env/bio/project_materials.htm

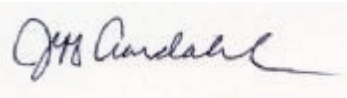
[3] Penrod, K., C. Cabanero, C. Luke, P. Beier, W. Spencer, and E. Rubin. 2003. South Coast Missing Linkages: A Linkage Design for the Tehachapi Connection. S.C. Wildlands, Monrovia, CA. 48 pp. + appendices. Available at: http://scwildlands.org.

4. Cumulative Impacts. Cumulative impacts of the Project, and other existing and reasonably foreseeable land uses, on at-risk species and their habitats on a regional scale need to be carefully analyzed. This cumulative impact analysis needs to be analyzed and considered in the context of various laws and regulations pertaining to management of public and private lands and the at-risk biological resources associated with them. We believe a robust cumulative effects analysis is especially critical here given the extraordinary level of wind energy and electrical transmission development planned and underway in the southern Sierra Nevada and eastern Tehachapi Mountains.

5. Security Fencing. Design of security fencing for the project should include provisions to allow for the movement and continued use of habitat within the project area by terrestrial species. Such security fencing could contribute to improved habitat conditions within the project site if it effectively eliminated off-road vehicle use, trash dumping and allowed for rehabilitation of areas heavily disturbed by past human activities that would not be used to support the wind farm infrastructure.

In closing, we hope these comments are helpful in preparation of the EIS for the proposed project. Please contact me if you have any questions about our comments or if we can provide additional information.

Sincerely,



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