

Final Environmental Impact Statement for the Quartzsite Solar Energy Project and Proposed Yuma Field Office Resource Management Plan Amendment

DOE/EIS – 0440



Lead Federal Agency:

U.S. Department of Energy, Western Area Power Administration

Cooperating Agencies:

U.S. Department of the Interior, Bureau of Land Management, Yuma Field Office
U.S. Army Corps of Engineers
U.S. Army Garrison–Yuma Proving Ground
Arizona Department of Environmental Quality
Arizona Game and Fish Department

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COVER SHEET

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Abstract: In response to a request from Quartzsite Solar Energy, LLC (QSE), Western Area Power Administration (Western) proposes to provide transmission interconnection services for the Quartzsite Solar Energy Project (Project), a proposed 100-megawatt concentrating solar power plant, to Western's transmission system at the Bouse-Kofa 161-kilovolt transmission line in La Paz County, Arizona. Because the proposed Project would be located on public lands managed by the U.S. Bureau of Land Management (BLM), QSE is also requesting a right-of-way (ROW) grant to construct, operate, maintain, and decommission the proposed Project and ancillary facilities on approximately 1,675 acres of land managed by the BLM's Yuma Field Office (YFO). In connection with its processing of QSE's ROW request, the BLM is also considering a concurrent amendment to the YFO Resource Management Plan (RMP), which would change the management of approximately 6,800 acres of the YFO RMP from a Visual Resource Management (VRM) Class III to a VRM Class IV designation. To accommodate the interconnection, Western would require a switchyard and either a fiber optic line or microwave telecommunications pathway on public land and has submitted an application to the BLM for a ROW grant.

The Draft Environmental Impact Statement (DEIS)/Draft RMP Amendment (DRMPA) analyzed the impacts associated with the proposed construction, operation, and decommissioning of the QSE Project and Proposed RMP Amendment (PRMPA). The Final EIS (FEIS)/PRMPA contains a summary of changes made between the DEIS/DRMPA and the FEIS/PRMPA, an analysis of the impacts of the decisions, a summary of written comments received during the public review period for the DEIS/DRMPA, and responses to comments and a summary of tribal consultation. Western and the BLM will consider these analyses to determine whether (1) Western should grant, deny, or approve with modification the interconnect request, and (2) the BLM should grant, deny, or approve with modification the ROW grant applications for the QSE Project and Western's switchyard, fiber optic line, or microwave telecommunications pathway, and approve, deny, or approve with modification the associated proposed amendment to the YFO RMP to change the VRM classification. The BLM's protest process related to their proposal to amend the YFO RMP, as set forth in 43 CFR 1610-5-2, is provided in Appendix A.

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ACRONYMS AND ABBREVIATIONS

ADEQ	Arizona Department of Environmental Quality
APE	Area of Potential Effect
Applicant	Quartzsite Solar Energy, LLC
AZGFD	Arizona Game and Fish Department
AZPDES	Arizona Pollutant Discharge Elimination System
BLM	U.S. Bureau of Land Management
BMPs	Best Management Practices
CEQ	Council of Environmental Quality
CRIT	Colorado River Indian Tribes
CWP	Citizens' Wilderness Proposal
DEIS	Draft Environmental Impact Statement
DRMPA	Draft Resource Management Plan Amendment
EPA	U.S. Environmental Protection Agency
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act of 1976
KOP	key observation point
kV	kilovolt
LWC	lands with wilderness characteristics
MOU	Memorandum of Understanding
MW	megawatt
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
POD	Plan of Development
PRMPA	Proposed Resource Management Plan Amendment
Project	Quartzsite Solar Energy Project
QSE	Quartzsite Solar Energy, LLC
RDEP	Restoration Design Energy Project
RMP	Resource Management Plan
RMPA	Resource Management Plan Amendment
ROD	Record of Decision
ROW	right-of-way
SCAQMD	South Coast Air Quality Management District
SHPO	State Historic Preservation Office
SR	State Route
SWPPP	Storm Water Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers

ACRONYMS AND ABBREVIATIONS

USFWS	U.S. Fish and Wildlife Service
VRM	Visual Resource Management
Western	Western Area Power Administration
WHA	Wildlife Habitat Management Area
YFO	BLM Yuma Field Office

BACKGROUND AND ORGANIZATION

Background

On November 8, 2011, Western Area Power Administration (Western), with the Bureau of Land Management (BLM), issued a Draft Environmental Impact Statement (DEIS)/Draft Resource Management Plan Amendment (DRMPA) for the proposed Quartzsite Solar Energy Project (Project). The DEIS/DRMPA was prepared in response to requests from Quartzsite Solar Energy, LLC (QSE or Applicant) (i) to interconnect the Project, a proposed concentrating solar power plant, to Western's transmission system at the Bouse-Kofa 161-kilovolt (kV) transmission line; (ii) for a Federal Land Policy and Management Act of 1976 (FLPMA) Title V right-of-way (ROW) grant to construct, operate, maintain, and decommission the Project on approximately 1,675 acres of BLM-administered lands; and (iii) for a Western FLPMA ROW grant to construct and operate a switchyard and either a fiber optic line or microwave telecommunications pathway on public land should the Project and interconnection be approved. The Project site is located east of State Route (SR) 95, approximately 10 miles north of the City of Quartzsite in La Paz County, Arizona.

The DEIS/DRMPA and this Final EIS (FEIS)/Proposed RMP Amendment (PRMPA) were prepared under the direction of Western, as the lead federal agency, with the BLM, U.S. Army Corps of Engineers (USACE), U.S. Army Garrison–Yuma Proving Ground (USAG–YPG), Arizona Game and Fish Department (AZGFD), and Arizona Department of Environmental Quality (ADEQ) as cooperating agencies. The USAG–YPG has consulted with QSE, Western, and the BLM regarding the potential effects of the Project on military training activities on nearby USAG–YPG land. The USACE has provided review of the DEIS/DRMPA with an emphasis on potential impacts that could result from Project construction and operation on jurisdictional waters of the U.S.; the AZGFD has contributed special expertise and reviewed data and impact assessments relative to biological resources (wildlife, vegetation, and special status species); and the ADEQ has provided review with an emphasis on air and water quality impacts, given their authority for specific permits related to these resources.

Purpose and Need

Western's purpose and need is to consider and respond to QSE's interconnection request in accordance with Western's Open Access Transmission Tariff and the Federal Power Act, as amended. The BLM's purpose and need is to respond to QSE's application for a FLPMA Title V ROW grant to construct, operate, maintain, and decommission the solar facility, 161/230-kV collector line and access road, and to respond to Western's application for a switchyard and fiber optic line or microwave telecommunications pathway on public lands administered by the BLM. In connection with the Applicant's ROW request, the BLM must also determine whether to approve, deny, or approve with modification the proposed amendment to the Yuma Field Office (YFO) RMP to change the Visual Resource Management (VRM) class designation of 6,800 acres of BLM managed land within the proposed Project footprint from a Class III to Class IV.

Project Description

QSE proposes to construct, operate, maintain, and decommission the Project, which would be capable of producing approximately 450 gigawatt-hours of renewable energy annually, with a nominal net generating capacity of 100 megawatts (MW). QSE's proprietary concentrating solar thermal technology uses a field of heliostats (elevated mirrors guided by a tracking system) to focus sunlight onto a receiver erected in the center of the solar field (the central receiver). Each heliostat tracks the sun throughout the day, reflecting the solar energy to the central receiver. The Project features thermal energy storage that allows solar energy to be captured throughout the day and retained in a liquid salt heat transfer fluid. When electricity is generated, the hot liquid salt is used to generate electricity in a conventional steam turbine cycle that would utilize an air-cooled condenser to minimize water consumption.

Major Project components include:

- 653-foot-tall central receiver and solar collecting tower (includes a 15-foot-tall maintenance crane on top of the tower)
- Up to 17,500 heliostats (mirrors)
- A conventional steam turbine generator
- Insulated storage tanks for hot and cold liquid (molten) salt
- Ancillary tanks (service/fire water, demineralized water, etc.)
- Evaporation ponds (size would vary, depending on the cooling mechanism selected)
- Temporary construction laydown area
- Ancillary buildings (e.g., maintenance, administration, warehouse)
- Water treatment building
- Operations and control building
- Western-owned interconnection switchyard (at the interconnection point with Western's Bouse-Kofa 161-kV transmission line)
- Western-owned telecommunication pathway (either fiber-optic or microwave)
- Transformers and 161/230-kV electrical substation (onsite)
- A 1.5-mile-long 161/230-kV overhead transmission line
- A 1.5-mile-long overhead line to provide auxiliary power to the Project area
- An access road from SR 95 to the solar field
- Water wells and a water supply pipeline (onsite)

The construction of the Project would begin once all applicable approvals and permits have been obtained. QSE anticipates Project construction, from site preparation and grading to commercial operation, would take approximately 30 months.

The switchyard and fiber optic or microwave dish (depending on the telecommunication system selected), would be owned and operated by Western.

Description of the Alternatives

Three alternatives were analyzed in the DEIS/DRMPA, including QSE's proposed Project with dry-cooling technology, Alternative 1 with hybrid cooling technology, and the No Action alternative. Also analyzed were three alternatives related to the PRMPA, including approving the

PRMPA to change approximately 6,800 acres of VRM Class III to VRM Class IV along with Project approval, approving the PRMPA to change approximately 6,800 acres of VRM Class III to VRM Class IV without Project approval, and the No Action alternative.

Agency Preferred Alternative

Western's preferred alternative is to grant the interconnection request for the proposed Project to Western's existing Bouse-Kofa 161-kV transmission line and to construct, operate, and maintain a new switchyard. The BLM's preferred alternative is to approve the ROWs for the Project, which consists of a 100-MW solar thermal generation power plant using dry-cooling technology (proposed Project) and a new 1.5-mile-long 161/230-kV generator tie-line, switchyard, and access road along with approval of the PRMPA to change the Project area to VRM Class IV. These decisions would reasonably accomplish the purpose and need for the agency federal actions while fulfilling the statutory missions and responsibilities, giving consideration to environmental, economic, and technical factors.

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ORGANIZATION OF THE FEIS/PRMPA

Because public and agency comments did not substantially modify any of the alternatives or the environmental analysis in the DEIS/DRMPA, the full text of the DEIS/DRMPA has not been reprinted or included here. Rather, the materials in this document, combined with the DEIS/DRMPA, serve as the FEIS/PRMPA. Federal regulations allow for an abbreviated FEIS when few changes result from the comments received during the public comment period. The relevant sections of these regulations (40 CFR 1500.4(m) and 1503.4(c)) encourage the reduction of paperwork and state that if changes in response to public comments are minor and confined to factual corrections or explanations where comments do not warrant fuller agency response, those changes may be written on errata sheets instead of rewriting, printing, and distributing the entire revised EIS. The Council of Environmental Quality (CEQ) reiterated this recommendation in a March 6, 2012 memorandum entitled *Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act* (NEPA); specifically, Item #8 – Expediting Responses to Comments. The CEQ memorandum recommends that agencies provide reasonable and proportionate responses to comments on a DEIS by focusing on the environmental issues and information conveyed by the comments. When preparing an FEIS, if the DEIS complies with the NEPA, CEQ regulations, and agency-implementing procedures, the agency may use the DEIS as the final under certain conditions. Following CEQ guidance, this FEIS/PRMPA document contains the following parts:

- **Cover Sheet** – Includes the responsible agency, points of contact, and abstract.
- **Background, Organization, and EIS Distribution** – Briefly describes the Project background, organization, and distribution of the FEIS/PRMPA. All individuals who commented on the DEIS/DRMPA and those who requested the FEIS/PRMPA were provided a copy of this document.
- **Project Updates** – Summarizes Project updates since publication of the DEIS/DRMPA.
- **Public Hearing Summary** – A brief overview of the public hearing held on the DEIS/DRMPA.
- **Comment and Response** – Responses to comments by Western and the BLM are incorporated into each letter or comment received, and shows corrections and revisions to the DEIS/DRMPA as appropriate based on the comments received.
- **Tribal Consultation Summary** – As tribal consultation is an ongoing process, the tribal consultation steps taken since publication of the DEIS/DRMPA are outlined.
- **Disclosure Statement** – Contractor disclosure statement specifying they have no financial or other interest in the outcome of the Project.

How to Use this Document: This document is meant to be used in conjunction with the DEIS/DRMPA for the Project. Together, the two documents constitute the FEIS/PRMPA for the Project and associated PRMPA.

FEIS/PRMPA Distribution

Pursuant to CEQ regulations (40 CFR § 1502.19), Western is circulating this FEIS/PRMPA to (1) agencies having jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate Federal, state, or local agency authorized to develop and enforce environmental standards; (2) the Applicant; and (3) any agencies, organizations, or individuals requesting a copy of the document.

PROJECT UPDATES

This section describes Project updates since the issuance of the DEIS/DRMPA in November 2011.

Comment letters on the DEIS/DRMPA from tribes, as well as subsequent discussions with tribal members at government-to-government coordination meetings and Project area tours, identified the La Posa Plain as an integral part of the traditional territories of the Mojave, Quechan, Cocopah, Maricopa, Yavapai, and Hualapai people. During the early stages of Western's government-to-government consultation with the tribes in 2010, the tribes requested that certain locations of cultural importance within and outside the La Posa Plain, such as the Fisherman and Blythe intaglios and other important sites along the Colorado River, be evaluated with regard to potential visual impacts. Visual impacts from these locations, along with other areas of cultural concern, were addressed in sections 3-16 and 4-16 in the DEIS/DRMPA, with simulations showing pre- and post-construction viewsheds from select locations provided in Appendix G in the DEIS/DRMPA.

Tribes have expressed objections to the Project's visual and ground-disturbing impacts on the larger landscape of interconnected places within their traditional territories in the lower Colorado River region. These places include mountains and other topographic features, intaglios, and trails, as well as other locations that continue to have profound cultural and spiritual values for tribal members. These concerns are described in comment letters from the Fort Yuma-Quechan Indian Tribe, Cocopah Indian Tribe, and Colorado River Indian Tribes (CRIT), as well as comments expressed in meetings with representatives of the Fort Mojave Indian Tribe, and are here addressed in relation to cumulative effects. Many tribal members commented that it would be difficult or impossible to mitigate the cumulative effects of renewable energy projects on traditional landscape values in the deserts bordering the Colorado River.

During a consultation meeting between Western, the BLM, and Fort Mojave Tribal Council members (including a former Council member) on August 16, 2012, Fort Mojave Indian Tribe representatives stated that visual impacts, lack of access, disturbance of possible subsurface materials, including cremations, and destruction of the landscape resulting from the construction of the Project would significantly impact the tribe, causing much suffering and harm to the Mojave people. Tribal members explained that the interruption of connections among the Colorado River, mountains, trails, intaglios and places of spiritual importance within the traditional landscape would disrupt the flow of spiritual energy that is important to individuals and the tribe as a whole. Representatives explained that the tribe has a responsibility to protect these landscape connections, plants, and animals for future generations. For these reasons, they object to the construction of the Project, as well as to the cumulative effects of renewable energy projects in general, in the broader desert areas along the lower Colorado River. As a result, the Fort Mojave Indian Tribe representatives asserted that the impacts to tribal values cannot be mitigated or resolved.

Since publication of the DEIS/DRMPA, Western and the BLM received written comments from the Quechan Indian Tribe, CRIT, and Cocopah Indian Tribe expressing concerns about possible subsurface archaeological materials being discovered during construction activities, should the Project be approved. Western and the BLM agree that it is important to have a clear plan in place

to define the actions that would be taken to protect and assess any discovered materials. Through consultation with the tribes, Western and the BLM prepared a Native American Graves Protection and Repatriation Act (NAGPRA) Plan of Action and a Monitoring and Discovery Plan to address these concerns.

PUBLIC HEARING SUMMARY

Two public hearings were held during the DEIS/DRMPA public comment period. Dates and locations of these meetings and the number of attendees are as follows:

Yuma, Arizona – 5 attendees

Date: December 13, 2011

Time: 6:00 pm – 8:00 pm

Location: BLM YFO, 2555 Gila Ridge Rd., Yuma, Arizona

Quartzsite, Arizona – 53 attendees

Date: December 14, 2011

Time: 12:00 pm – 2:00 pm

Location: Quartzsite Improvement Association Building, 235 E. Ironwood St., Quartzsite, Arizona

The first portion of each meeting was informal, with representatives from Western, the BLM, and QSE providing a general overview of the proposed Project and alternatives considered, with each agency describing their roles and responsibilities for the Project.

The official hearing portion of the meeting was conducted by Doug Harness of Western's Office of General Counsel. A court reporter was present to record the hearing and public comments. Mr. Harness presented an opening statement that described the proposed Project and the environmental review process. Following the opening statement, the hearing was opened to receive public comments; these comments are provided in their entirety, with agency response, following the written comments in the next section.

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COMMENTS ON THE DEIS/DRMPA AND RESPONSES

The 90-day comment period for public review of the DEIS/DRMPA began with the publication of the Notice of Availability in the *Federal Register* on November 8, 2011. Western and the BLM distributed press releases announcing the dates, locations, and times of the public meetings to local and regional print and broadcast media. In addition, the DEIS/DRMPA was posted on Western's and the BLM's website and distributed to agencies and individuals who have requested copies.

During the 90-day comment period, Western received 32 comment documents (e.g., letters, emails, faxes, etc.) from individuals, private companies, interest groups, and federal and state agencies commenting on the DEIS/DRMPA. A list of comment documents received, the content of each letter (provided verbatim), and consolidated responses from Western and the BLM follow. Each comment letter was assigned a reference and comment number.

U.S. Environmental Protection Agency (EPA)

EPA Comment No. 1-1

The Draft Environmental Impact Statement does not fully assess potential impacts to wetlands and surface water resources. The DEIS states that, in accordance with the U.S. Army Corp of Engineers Regulatory Guidance Letter Number 08-02, a preliminary jurisdictional delineation of washes that traverse the Project area was conducted April 13 to 15, 2010 (p. 3-69); however, the DEIS does not reference the delineation nor provide the name of the consultant or agency that conducted it. While the DEIS states that the preliminary jurisdictional delineation identified surface hydraulic features of the site which are poorly developed and consist of very shallow, narrow, and commonly vegetated, braided drainages, it does not include a detailed description of the extent of, or impacts to, waters of the U.S., nor does it confirm whether USACE has asserted jurisdiction. The DEIS states that, based on the initial engineering design, total acre loss of waters of the U.S. resulting from Project development is estimated at approximately 0.023 acre (p. 4-74), but it is unclear if this determination was the result of the preliminary jurisdictional delineation performed.

Recommendations: The U. S. Environmental Protection Agency encourages the Western Area Power Administration to include the results of a jurisdictional determination in the Final EIS. A jurisdictional determination must be approved by the USACE. Additionally, the FEIS should list the acres of jurisdictional waters impacted by each alternative.

If a CWA Section 404 permit is determined to be needed, the FEIS should discuss and demonstrate compliance with the Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230) (Guidelines), promulgated pursuant to Section 404(b)(1) of the CWA.

Response to EPA Comment No. 1-1

The information provided on page 3-69 in the DEIS/DRMPA summarizes the results of the Preliminary Jurisdictional Determination survey conducted by EPG, Inc. from April 13 to April 15, 2010. On April 28, 2011, the USACE approved the Preliminary Jurisdictional Determination and determined that the delineated area may contain 0.553 acre of waters of the U.S. As described in Section 4.12.3.2 in the DEIS/DRMPA, the proposed Project would be designed, to the extent possible, to avoid washes within the Project area. Although the precise location of each heliostat is unknown at this time, the heliostats can vary within a few feet of the designated coordinates to avoid sensitive areas within the solar field such as washes, flora, or subsurface irregularities. Based on the initial engineering design, total acre loss of waters of the U.S. resulting from Project development is estimated at approximately 0.023 acre.

A Preliminary Jurisdictional Determination is a non-binding opinion that there may be jurisdictional waters of the U.S. on the Project site. Nationwide Permit 51, issued by the USACE on March 19, 2012, may be used for land-based renewable energy generation facilities, including solar, wind, biomass, or geothermal projects. Nationwide Permits apply to such projects affecting ½ acre or less of non-tidal waters of the U.S., or 300 linear feet of stream bed. QSE will continue to coordinate with the USACE to comply with their obligations under Section 404 of the Clean Water Act.

EPA Comment No. 1-2

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: To the extent any aquatic features that could be affected by the Project are determined not to constitute WUS, the EPA recommends that the FEIS characterize the functions of such features and discuss potential mitigation. To avoid and minimize direct and indirect impacts to desert washes (such as erosion, migration of channels, and local scour):

- 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.
- Reconfigure the Project layout, roads, and drainage channels, as appropriate, to avoid ephemeral washes, including desert dry wash woodlands within the Project footprint.
- Minimize the number of road crossings over washes and design necessary crossings to provide adequate flow-through during storm events.

Response to Comment EPA No. 1-2

As described on page 4-75 in the DEIS/DRMPA, “The Project area is located on a portion of the La Posa Plain that slopes at less than 1 percent...Concentration of [floodwater] flows would be minimized by the use of check dams, stone filters, armored areas, and diversion swales that keep water from concentrating in areas of steeper slope. The detention facility located in the west portion of the solar field would be constructed to slow the water, allow it to infiltrate, and promote flow patterns into their existing drainage patterns.”

QSE will design the Project layout, roads, and drainage channels, to avoid ephemeral washes within the Project footprint. The final layout will be designed to minimize the number of road crossings to provide adequate flow-through during storm events. These design measures will be incorporated into the Final Plan of Development (POD) and incorporated into the ROW grants issued by the BLM.

EPA Comment No. 1-3

The DEIS describes and estimates air emissions from the proposed Project, including potential construction and maintenance activities, as well as proposed mitigation measures to minimize those emissions. Although we understand that the area where the Project will be implemented is in attainment for NAAQS, it is important to minimize impacts, whenever possible, for the

protection of human health and the environment. Implementation of additional mitigation measures could reduce the Project's emissions.

The DEIS states that the particulate emission contributions from earthmoving and vehicle travel within the Project area were determined using emission factors from the URBEMIS Version 9.2.4 program (an urban emissions software program) and that South Coast Air Quality Management District factors were used as a tool for off-road vehicle and diesel-engine powered construction emissions analyses (p. 4-34). The URBEMIS program incorporates the Emission Factor or EMFAC model, which should only be used in California.

Recommendations: The EPA recommends the applicant use the Motor Vehicle Emission Simulator or MOVES to estimate emissions from cars, trucks and motorcycles in Arizona (<http://www.epa.gov/otaq/models/moves/index.htm>). For nonroad engines, equipment, and vehicles, the EPA recommends the NONROAD Model (<http://www.epa.gov/otaq/nonrdmdl.htm>).

Response to EPA Comment No. 1-3

Western agrees with EPA's comment that air quality impacts from construction and operation of the Project should be minimized. Best Management Practices (BMPs) and Applicant proposed environmental protection measures to reduce air quality impacts are described in sections 2.7 and 4.6.4 in the DEIS/DRMPA.

The URBEMIS Version 9.2.4 program and South Coast Air Quality Management District (SCAQMD) factors are appropriate for use in Arizona. The URBEMIS emissions model and underlying EMFAC2007 database used for the analysis in the DEIS/DRMPA characterize emissions from vehicle populations as of a given operational year. These factors include weighted contributions from vehicles within that population that are up to 45 years old. It is not specific to vehicles or activities only in California. The EMFAC2007 model does allow adjustment, if appropriate, for state-specific inspection and maintenance programs. To be conservative, the QSE Project emissions estimates utilized the default inspection and maintenance program assumption. However, ADEQ administers a fairly rigorous inspection program for all on-road vehicles, and enforces diesel fuel specification standards that are identical to California standards. As explained in Section 4.6.3.2 and Appendix D in the DEIS/DRMPA, the modeling concluded that the magnitude of Project construction and operations emissions will be far below both the General Conformity and the ADEQ air permitting de minimis thresholds, and thus do not present a likelihood of significant impacts. The facility would need to have an ADEQ Class II (Minor Source) air permit due to the categories of sources present, regardless of estimated actual emissions.

The SCAQMD factors are used as a tool for vehicle and construction emissions analyses nationwide. ADEQ accepts emissions estimates using SCAQMD tools, assuming those tools are applied correctly. Available emission factors from EPA are not as well-suited to the QSE Project analysis, since the SCAQMD information is more current.

EPA Comment No. 1-4

The EPA recommends the FEIS include the following additional measures to reduce emissions of criteria air pollutants and hazardous air pollutants (air toxics).

Construction Emissions Mitigation Plan: The FEIS 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: While the DEIS does identify the need for a Fugitive Dust Control Plan (p. 2-43), we recommend that in the FEIS the plan also include these additional general commitments:

- 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.
- 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 water, a non-toxic soil stabilizer, soil weighting agent, or other approved soil stabilizing method.
- 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 or State Standards. The EPA's website for nonroad mobile sources is <http://www.epa.gov/nonroadl>. 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 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).

- Where Tier 4 engines are not available, use construction diesel engines with a rating of 50 hp or higher that meet, at a minimum, commit to Tier 3 Emission 3 Standards for Off-Road Compression-Ignition Engines, 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 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 the infirm, and specify the means by which impacts to these populations will be minimized (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.

Response to EPA Comment No. 1-4

Western appreciates the information provided by the EPA to reduce emissions of criteria and hazardous air pollutants (air toxics). As mentioned in Section 4.6.4 of the DEIS/DRMPA, ADEQ regulations require reasonable precautions to prevent the generation of airborne fugitive dust. To meet this requirement, the Applicant must develop a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP requires maintenance of erosion and sediment control, monitoring to ensure BMPs are implemented and working properly, stormwater controls, and erosion and stabilization practices. The dust control measures outlined in sections 2.5.4 and 2.7.2 of the DEIS/DRPMA would be required by the BLM to mitigate fugitive dust releases and would be incorporated into the SWPPP and the final POD. These management practices include stabilizing soil through frequent application of BLM-approved dust suppressant, restriction of construction vehicle speed on unpaved roadways (less than 15 miles per hour), restriction or cessation of construction activities during high wind events, covering soil stock piles, and installing vehicle track-out or wash down areas. These mitigation measures and applicable

sections of the SWPPP are part the Final POD that will be incorporated into the ROW grant issued by the BLM.

The BLM will also require monitoring as part of the ROW grant to ensure that stipulations and BMPs are implemented and functioning appropriately.

Section 4.5.3.2 of the DEIS discusses transportation requirements. Project roads would be paved and/or surfaced with gravel, which would further reduce dust emissions generated during the life of the Project. The Project proponent will work with the Arizona Department of Transportation to meet their level of service requirements for traffic flow on state highways.

EPA Comment No. 1-5

Chapter 2 section 2.7 of the DEIS lists the best management practices and built in mitigation measures that are proposed to mitigate project impacts. Some of these proposed mitigation measures are generic, however, and do not identify specific actions that would be taken, nor the locations where they would occur. To be considered adequate, mitigation measures should be specific, feasible actions that will improve adverse environmental conditions. The Council on Environmental Quality has provided guidance on documenting and implementing mitigation measures, which states, among other things, that agencies should provide clear documentation of mitigation commitments, and when and how the mitigation commitments will be implemented. Also, the mitigation measures should be carefully specified in terms of measurable performance standards or expected results.

Recommendations: The FEIS should provide clear mitigation objectives and specify how each measure will be implemented, who is responsible for its implementation, where it will occur, and when it will occur.

Response to EPA Comment No. 1-5

In addition to the BMPs and built-in mitigation described in Section 2.7, mitigation measures can be found for specific resources in Chapter 4 of the DEIS. These measures would be incorporated into the Final POD and incorporated into the ROW grants issued by the BLM.

If the final design and layout of the Project triggers additional mitigation measures beyond those already described in the DEIS/DRMPA, they will become part of the final POD that will be incorporated into the ROW grant issued by the BLM. All mitigation measures will be monitored as part of the ROW grant, to ensure stipulations and BMPs are implemented and function appropriately.

EPA Comment No. 1-6

Arizona Game and Fish Department has developed guidelines for development projects, in general, and for solar developments, in particular. Also, the Arizona Department of Water Resources has identified its requirements pertaining to the use of ground and surface waters for solar projects in Arizona. The Arizona Game and Fish Department guidelines provide best management practices for, but not limited to, groundwater, evaporation ponds, vegetation removal, noxious weeds, and transmission lines.

Recommendations: The FEIS should incorporate the Best Management Practices from the Arizona Game and Fish Department for wildlife friendly development and the Arizona

Department of Water Resources requirements pertaining to groundwater use for solar developments in order to be consistent with State policies.

Response to EPA Comment No. 1-6

The AZGFD is a cooperating agency for this Project. Their BMPs regarding wildlife friendly development were incorporated into the Project design and are described in Section 2.7 (Best Management Practices and Built-in Mitigation) in the DEIS/DRMPA.

The Arizona Department of Water Resources was consulted during preparation of the DEIS/DRMPA. Table 1-2 (Authorizations, Permits, Reviews, and Approvals) in the DEIS/DRMPA lists permits and approvals required by the Arizona Department of Water Resources during Project construction and operation. The Applicant will obtain these permits once final engineering and design is complete and will be required to comply with all laws and regulations applicable to those permits and approvals.

EPA Comment No. 1-7

Many of the proposed activities would result in vegetation being cleared and soils moved during the construction of roads, heliostat field and main power block facilities. The DEIS states that this will result in the direct loss of up to 1,675 acres of habitat currently used by a variety of native wildlife species, including mammals, birds and raptors (p. 4-62).

The DEIS also states that wildlife species that tend to benefit from the introduction of human activities and related facilities, trash, and debris, such as ravens and coyotes, could pose a potential increased threat to resident prey species such as lizards, small mammals, and ground-nesting birds (p. 4-62). Controlling common raven use of project sites assists in reducing adverse impacts on protected species.

Recommendations: Include in the FEIS a common raven management plan for the Project as a mitigation measure. Describe in the raven monitoring and control plan methods to avoid attracting common ravens during all phases of development and use. Incorporate the most recent guidance from the U.S. Fish and Wildlife Service.

Response to EPA Comment No. 1-7

In lieu of preparing a Common Raven Management Plan, the BLM will require the Applicant to prepare a Nuisance Wildlife Management Plan prior to construction. The plan will address “good housekeeping measures” that will be aimed at not attracting nuisance species such as ravens and coyotes to the Project site. The plan will draw on guidance from the U.S. Fish and Wildlife Service (USFWS) and the AZGFD and include a monitoring conformance and employee awareness training component. The plan will be incorporated into the over-arching, adaptive Biological Mitigation Action Plan described in sections 4.10.5 and 4.11.5 in the DEIS/DRMPA. This plan must be prepared before approval of a ROW grant and issuance of a Notice to Proceed. The effectiveness of this plan will be monitored by the appropriate jurisdictional agency (i.e., BLM, AZGFD, USFWS).

EPA Comment No. 1-8

Additionally, the Project will include either three 4-acre or one 18-acre evaporation pond(s), depending on the alternative selected, which can be both an attractant and a hazard to wildlife (p. 4-63). The DEIS states that, if needed, the Project evaporation ponds could incorporate

netting or other measures to deter birds from pond use. If required, an Avian Protection Plan would be developed that would address monitoring and response to mortality events from collisions, burns, and any bird use of the evaporation ponds. The DEIS also states that the Project will require the construction of a 1.5 mile overhead transmission line and switchyard to provide an interconnection with the existing Western's Bouse-Kofa 161 kV transmission line (p. 1-2).

Recommendations: Include, in the FEIS, design practices to be followed for the above ground power lines to minimize bird collisions. A useful reference for this is the Avian Power Line Interaction Committee document, Mitigating Bird Collisions with Power Lines: The State of the Art in 1994.

Include in the FEIS a requirement for an Avian Protection Plan (now called Bird and Bat Conservation Strategies) to be developed using the 2005 Avian Power Line Interaction Committee and U.S. Fish and Wildlife Service Avian Protection Plan Guidelines. Include, in the FEIS, practices that reduce the potential for raptor fatalities and injuries from power lines. These practices can be found in the Suggested Practices for Avian Protection on Power Lines: State of the Art in 2006 manual.

Response to EPA Comment No. 1-8

In consultation with the AZGFD, Western and the BLM have determined that an Avian Protection Plan is not required for this Project. This determination was based on the impacts analysis conducted for this EIS, and supported by site-specific surveys conducted for this and other projects conducted in the regional area. As noted in Section 4.11.3.2 in the DEIS/DRMPA, impacts to avian species are not anticipated due to the paucity of nesting birds on or adjacent to the Project area. In addition, impacts to the Golden Eagle are not anticipated due to the distance of the Project site to potential suitable Golden Eagle nesting habitat and the lack of evidence to support use in the region. The Biological Mitigation Action Plan, to be developed before approving the ROW grant and issuing a Notice to Proceed, will address avian issues, including the possibility of impacts to birds from collision with above-ground power lines, burns from Project equipment and operations, and use of evaporation ponds. BMPs and currently committed mitigation measures will be reviewed regularly by the BLM and AZGFD, and adaptively modified as needed over the life of the Project.

EPA Comment No. 1-9

All raptor and owl species are protected under the Migratory Bird Treaty Act. The golden eagle and bald eagle also receive protection under the Bald and Golden Eagle Protection Act. In September 2009, the U.S. Fish and Wildlife Service finalized permit regulations 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 facility may qualify for a programmatic take permit. Projects or activities that could impact golden or bald eagles may require the preparation of an Eagle Conservation Plan.

Recommendation: Initiate discussions with the U.S. Fish and Wildlife Service on the requirement that an Eagle Conservation Plan be developed, for transmission line projects or other projects that could impact bald or golden eagles.

Response to EPA Comment No. 1-9

As described in Section 4.11.3.2 in the DEIS/DRMPA... “The Arizona Breeding Bird Atlas (Corman and Wise-Gervais 2005) shows no confirmed Golden Eagle breeding evidence for the entirety of La Paz County. Helicopter surveys...found no evidence of active Golden Eagle nesting sites within 10 miles of the Project area...potential for Golden Eagles using the Project area is low.” Based on these findings, and in consultation with the AZGFD, Western and the BLM have determined that an Avian Bat Protection Plan with an Eagle Conservation Plan component is not warranted at this time, and thus an Eagle Conservation Plan is not necessary.

EPA Comment No. 1-10

The FEIS should include a requirement for a Worker Environmental Awareness Training program in order to ensure project personnel and contractors are aware of their responsibility to implement the Best Management Practices and mitigation measures. Knowledge and practice of these measures should be the responsibility of all on-site personnel.

Response to EPA Comment No. 1-10

As noted in Section 2.7.6 in the DEIS/DRMPA, QSE will implement a Health and Safety Program during construction and operations. The Health and Safety Program will include site – and activity-specific training programs to ensure workers comply with not only QSE’s internal health and safety requirements, but with Federal, state, and local laws and regulations.

EPA Comment No. 1-11

The Bureau of Land Management’s Arizona RDEP (Restoration Design Energy Project) DEIS, scheduled to be released for public comment in late 2012, is intended to identify public lands in Arizona suitable for renewable energy development and establish a baseline set of environmental protection measures for such projects. In addition, BLM and the Department of Energy are collaborating on the Programmatic EIS for Solar Development in Six Southwestern States, scheduled for completion in the Summer of 2012, which, as drafted, identifies proposed Solar Energy Zones, as well as design features for utility-scale solar projects. The Quartzsite solar energy project is not located in a RDEP Renewable Energy Development Area nor is it in one of the Solar Energy Zones identified in the Supplemental Draft Programmatic EIS [sic].

Recommendations: We recommend that the FEIS include up-to-date maps illustrating the location of the proposed Project in relation to the current boundaries and conceptual alternatives of the Arizona RDEP and the Solar Programmatic EIS. The FEIS should discuss the extent to which the Quartzsite solar energy project is consistent with the requirements and/or conditions that are proposed to apply under the Arizona RDEP and the Solar PEIS

Response to EPA Comment No. 1-11

The Draft EIS for the Arizona RDEP was released on February 17, 2012. The Final EIS is anticipated in late 2012. The RDEP is a macroscale analysis to identify lands across Arizona that may be suitable for development of solar and wind energy and establish a baseline set of environmental protection measures for such projects. It is not intended to replace the need for site-specific analysis under NEPA for individual projects.

The ROD for the Solar Programmatic EIS was signed on October 12, 2012. It does not authorize any existing solar energy development project or eliminate the need for site-specific environmental review for any future utility-scale solar energy development project. The BLM

will continue to make separate decisions as to whether or not to authorize individual or pending solar energy projects in conformance with existing land use plans as amended by the ROD. The BLM defines “pending” applications as any application (regardless of place in line) filed within variance and/or exclusion areas before the publication of the Supplement to the Draft Solar PEIS (October 28, 2011), and any application filed within Solar Energy Zones before June 30, 2009. Pending applications are not subject to any of the decisions adopted by the ROD. The BLM will process pending solar applications consistent with existing land use plan decisions in place prior to amendment by this ROD. When processing these applications, the BLM will consider its current policies and procedures (e.g., Instructional Memoranda [IM] 2011-060, and IM 2011-061, including interagency coordination with Department of Interior agencies, or other applicable policies and procedures that the BLM might adopt in the future.

These applications will be treated as Project-specific undertakings under Section 106 of the NHPA and the BLM’s National Programmatic Agreement. Amendments to pending applications would also not be subject to the decisions adopted by the ROD for the Programmatic Solar EIS, provided that such amendments either (1) do not change the boundaries of the pending ROW applications; or (2) are related to avoiding resource or land use conflicts, adapting the Project to third-party-owned infrastructure constraints, or using or designating translocation or mitigation lands.

EPA Comment No. 1-12

The DEIS lists six proposed solar energy projects for consideration in the cumulative impacts section, five in Arizona and one in California near the city of Blythe (p. 4-7 to 4-9). Of these six projects, only two are analyzed in the cumulative impacts section. The DEIS does not analyze the other four projects, citing inactivity since the submission of their Right of Way applications and the lack of data to assess the potential impacts that would result from this projects’ construction, operation, maintenance, and decommissioning. The DEIS concludes that the four projects are speculative and, therefore, those impacts are not reasonably foreseeable for purposes of this analysis (p. 4-8).

Based on information from the Bureau of Land Management, it appears numerous solar energy projects are considered active in the project’s vicinity. We recommend these projects be incorporated into the cumulative impacts analysis. Specifically, the Arizona BLM website lists ten solar energy projects in La Paz County with pending applications. The ten solar projects in La Paz County currently listed by the BLM as pending are all concentrating solar power plants, either tower technology or trough technology.

The technologies, construction methods and environmental impacts of the plants are well known, and have been analyzed in environmental documents in Arizona as well as California. These ten solar projects were also listed in the BLM Solar Programmatic EIS Appendix B as active solar projects. Further, there are additional solar projects in the neighboring counties of Maricopa, Yuma and Riverside that could have an impact on, at a minimum, socioeconomic resources as well as air, biological and mineral resources. The BLM website lists the Quartzsite and Hyder Valley projects as active projects currently progressing through the Right of Way process in Arizona. In California, the BLM lists the McCoy Solar Project (CACA 48728) and the Desert Harvest Solar Project (CACA 49491) as “fast track” projects near the City of Blythe, California.

Recommendation: The FEIS should update the list of reasonably foreseeable projects used in the cumulative effects analysis to include all projects that may, cumulatively, have impacts on the resources affected by the proposed project. This would likely include the remaining ten pending projects in La Paz County, as well as the McCoy Solar project and the Desert Harvest solar projects near the City of Blythe, California.

Response to EPA Comment No. 1-12

Within La Paz County, the proposed EnviroMission Solar Project is the only solar project that is considered active. All other proposed solar projects in La Paz County are considered speculative due to inactivity.

Since publication of the DEIS/DRMPA in November 2011, two solar projects in Riverside County, California have advanced through the NEPA process.

On April 13, 2012, the BLM Palm Springs-South Coast Field Office issued the DEIS for the Desert Harvest Solar Project. The Desert Harvest Solar Project is a proposed 150 MW photovoltaic solar electric generating project on 1,280 acres of public lands. The proposed Project would be located on BLM-administered lands in Riverside County, approximately 6 miles north of the rural community of Desert Center, California. The Project site is approximately 73 miles west of Quartzsite, Arizona.

In June 2012, the BLM Palm Spring-South Coast Field Office issued the DEIS for the McCoy Solar Project, which is a proposed 750 MW photovoltaic solar electric generation project on 7,700 acres of public lands and 470 acres of private land under the land use authority of Riverside County. The proposed Project site is located approximately 13 miles northwest of the City of Blythe, California, approximately 35 miles west of Quartzsite, Arizona.

The Blythe Solar Power Project, which was identified in the DEIS/DRMPA as a reasonably foreseeable project, had halted all construction due to bankruptcy; however, the project has since been sold to another developer through the bankruptcy process. NextEra is proposing to develop a photovoltaic solar project on the 7,000-acre site. Specific details surrounding the size and layout are not available at this time.

As noted in the DEIS/DRMPA (Section 4.14.6), the original Blythe Solar Power Project had the potential to cumulatively impact socioeconomic resources based on the number of construction workers needed, and the indirect impacts on the local and regional economy. Based on the analysis conducted for the DEIS/DRMPA, these same effects would apply when considering the additive effects of the Desert Harvest Solar, the McCoy Solar, and Blythe Solar Power Projects when combined with those effects of the QSE Project. As noted in Section 4.14.6 in the DEIS/DRMPA, if any of the pending solar or other large-scale construction projects within commuting distance of the proposed Project were to have overlapping construction and/or project operations, cumulative impacts on socioeconomic resources are likely to occur.

EPA Comment No. 1-13

Estimate the annual water use associated with the reasonably foreseeable large-scale solar projects proposed in the Project's vicinity. WAPA should be able to obtain this information, upon request, from proponents of viable projects or from the analyses performed in the BLM Solar Programmatic EIS.

Response to EPA Comment No. 1-13

As described on page 4-78 in the DEIS/DRMPA, the EnviroMission Solar Project, a private venture on lands managed by the Arizona State Land Department, is the only reasonably foreseeable large-scale project proposed in the Project vicinity. According to information provided on their website (<http://www.enviromission.com.au>), operations of their facility require no water for power generation. Specific details about their construction water needs and plant operations are not publically available.

EPA Comment No. 1-14

The EPA recommends the FEIS clearly demonstrate whether there is sufficient groundwater for the lifetime of this Project and other reasonably foreseeable projects in the study area.

Response to EPA Comment No. 1-14

The water resources analysis provided in Chapter 4.12 in the DEIS/DRMPA demonstrates there is sufficient groundwater for the lifetime of the QSE Project. Other reasonably foreseeable projects within the groundwater basin include the proposed EnviroMission Solar Energy Project and the expansion/reopening of the Copperstone Gold Mine. The amount of water required for these projects is not publically available.

EPA Comment No. 1-15

The EPA recommends the cumulative impacts analysis for groundwater include a discussion of the potential effect of future climate change on the proposed Project and groundwater development.

Response to EPA Comment No. 1-15

Climate change is discussed in detail in Section 3.6.5 in the DEIS/DRMPA. It is speculative to describe the potential effect of future climate change on the proposed Project and groundwater development. There are no analytical tools available to assess future impacts associated with climate change on specific resources or projects in particular areas.

EPA Comment No. 1-16

The EPA recommends that the FEIS contain additional socioeconomic analyses, including analysis of the impacts of an influx of workers to the areas of Quartzsite, Parker, AZ and Blythe, CA. This additional analysis should include all the active renewable energy projects ongoing or planned to be built around the same time as the Quartzsite solar energy project. The FEIS should provide an estimate of the amount of growth, likely location(s), the impacts on municipal services, and the biological and environmental resources at risk. The FEIS should also include a discussion of potential transit options (including formal Rideshare, Carpooling, and Bussing [sic]) to transport workers from the nearest population centers to the remote project sites as well as other measures to facilitate accessibility to the job sites and reduce greenhouse gas emissions resulting from worker transportation.

Response to EPA Comment No. 1-16

The socioeconomic analysis conducted during the preparation of the DEIS/DRMPA is appropriate under the NEPA. The impact of an influx of workers to the Quartzsite and Parker, Arizona and Blythe, California areas was considered during the cumulative effects evaluation in Section 4.14.6 in the DEIS/DRMPA.

Impacts from Project construction and operations on transportation and traffic are described in Section 4.5 in the DEIS/DRMPA. Information regarding potential transit options (including formal RideShare, Carpooling, and Busing) to transport workers from the nearest population center to remote project sites is not available at this time. Once final engineering is complete and SolarReserve has a definitive schedule and understanding of construction personnel requirements, these potential transit options may be considered.

EPA Comment No. 1-17

The EPA commends the proposed use of adaptive management, as discussed in the DEIS (p. 4-29). The CEQ has promoted the use of adaptive management, with certain precautions for its successful implementation. According to the CEQ, the extent and detail of an adaptive management action would likely be extensive when it is being used to provide maximum flexibility to adjust to unanticipated impacts of project implementation, revise the implementation of actions to save costs, or alter the mitigation to improve effectiveness.

Recommendations: The FEIS should expound on the adaptive management plan; specifically, it should describe the proposed adaptive management approach, how the approach is reflected in the alternatives being considered, the monitoring protocols proposed, the desired outcome to be obtained, the performance measures that will determine whether the desired outcome is being achieved or an adaptive action is needed, and the factors for determining whether additional NEPA review is needed. Additionally the adaptive management plan should be formalized, documented and agreed upon by the appropriate resource management agencies. Oversight and public involvement of the adaptive management process should be provided for quality control and should involve an independent oversight committee or an independent advisory group.

Response to EPA Comment No. 1-17

As described in Section 4.11.5 in the Draft EIA/RMPA, the "...EIS would be used as a basis to create a long-term Biological Mitigation Action Plan that would promote adaptive-management strategies to mitigate unforeseeable impacts as they occur." Components of the plan would be developed based on the final design and layout of the Project. As appropriate, these components would be incorporated in the BLM's ROW grant and the Notice to Proceed as a condition of Project approval. Adaptive management strategies for biological resources may include, but would not be limited to, post-construction monitoring, post-mortality consultation (if applicable), and consultation and coordination with the applicable resource agencies as appropriate (e.g., USFWS, AZGFD).

EPA Comment No. 1-18

The DEIS states that chain link security fencing would be installed around the Project area perimeter, substation, ponds, and other areas requiring controlled access prior to beginning construction. The Project area perimeter fence would be 8 feet high and have an overall height of no more than 10 feet from the bottom of the chain link to the top barbed wire, or per requirements mandated by the North American Electric Reliability Corporation and the U.S. Department of Homeland Security for facilities of this type. The fence may have a top rail, bottom tension wire, and three strands of barbed wire mounted on 45 degree extension arms (p. 2-23).

Recommendations: Provide more detailed information in the FEIS on the proposed fencing design and placement and its potential effects on drainage systems on the Project site, if

applicable. Ensure that fencing proposed for this Project will meet appropriate hydrologic, wildlife protection and movement, and security performance standards. Describe those standards in the FEIS.

Response to EPA Comment No. 1-18

General information about the proposed fence design and placement is provided in Section 2.4.2.4 in the DEIS/DRMPA. The final fence design and placement would be based on final engineering design and layout, and would be constructed entirely within the granted ROW area. Project fencing would be designed and installed to minimize hydrologic impacts (scour and erosion potential), in compliance with AZGFD Wildlife Compatible Fencing Guidelines.

Site-specific fencing requirements will become part of the final POD that will be incorporated into the BLM's ROW grant and Notice to Proceed as a condition of Project approval.

EPA Comment No. 1-19

The FEIS should discuss how the fence design is consistent with the Arizona Game and Fish Department Wildlife Compatible Fencing Guidelines.

Response to EPA Comment No. 1-19

See response to Comment No. 1-18.

EPA Comment No. 1-20

Emissions of carbon dioxide and other heat-trapping gases are affecting weather patterns, sea level, ocean acidification, chemical reaction rates, and precipitation rates, resulting in climate change. The Arizona Climate Action Plan predicted that, by 2040 to 2069, a June to August increase of 3.6 to 9.0 degrees Fahrenheit is possible in the southwestern U.S. [sic]. In general, Arizona is expected to have wetter winters and more arid summers as the subtropical dry zones for the whole planet are projected to increase. Higher temperatures and increased winter rainfall will be accompanied by a reduction in snow pack, earlier snowmelts, and increased runoff. Some of the predictions, such as reduced groundwater discharge, and more frequent and severe drought conditions, may impact the proposed Project.

Recommendations: The FEIS should discuss the potential impact of climate change on the Project, and incorporate mitigation measures as appropriate. The FEIS should also assess how the projected impacts of the Project could be exacerbated by climate change.

Response to EPA Comment No. 1-20

See response to Comment No. 1-15. Climate change is discussed in detail in Section 3.6.5 in the DEIS/DRMPA. Western acknowledges that climate change may be occurring and that historic patterns of temperature and precipitation can gradually change. Western and the BLM acknowledge that renewable energy displaces the use of fossil fuel generated electricity. It is expected that the development of renewable energy sources will reduce carbon emissions, resulting in a net reduction in carbon emissions and therefore lessening the potential impacts of climate change. However, given the absence of sufficient analytical tools, it is speculative to analyze how climate change could affect the proposed Project and/or how the Project impacts could be exacerbated by climate change. Therefore, such effects are speculative and are outside the scope of this EIS.

U.S. Marine Corps

U.S. Marine Corp Comment No. 2-1

Received the lat/longs and the project will not have an impact on our mission, it does fall within the northern side of the MTR so we will require proper lighting and notification of all phases of construction.

Response to U.S. Marine Corp Comment No. 2-1

Comment noted. QSE will be required to comply with all applicable Federal Aviation Administration lighting regulations, and will continue to confer with the Department of Defense and provide the requisite notifications.

Colorado River Indian Tribe

CRIT Comment No. 3-1

The DEIS concludes that the visual impacts from the Project on Copper Peak and Dome Peak, as well as other important tribal resources, will be moderate or less DEIS at 4-111. This conclusion is unsupported by the record. In particular, the DEIS indicates that no study has been completed to determine the glint and glare created by this particular project, even though the DEIS acknowledges that sensitive tribal viewers “would see glare for a longer duration and, from superior viewing positions, would be more likely to see glint from the heliostats” DEIS at 4-106. While the DEIS acknowledges this ongoing uncertainty (DEIS at 4-117), it proposes no means of determining the actual effect of glint and glare prior to building the Project.

Response to CRIT Comment No. 3-1

As described in Section 3.13.2.1 in the DEIS/DRMPA, Western’s consultation with tribes having traditional cultural associations with the Project area identified seven locations of cultural importance, including Copper Peak and Dome Peak, that warrant visual simulations to characterize the potential visual impacts of the Project. On 8/13/10, 9/17/10, and 10/19/10, Western and the BLM conducted meetings with representatives of ten tribes to share simulations and other information on the visual impacts analysis. The tribes did not offer substantive comments on the visual simulations. The complete set of simulations and analyses was included in copies of the DEIS/DRMPA (Appendix G), provided to tribes.

The visual impact analysis of tribally sensitive locations is presented in Section 4.16 of the DEIS/DRMPA. Conclusions regarding visual impacts are based on objective evaluations of the visibility of the solar facilities and the degrees of contrast that would result to views from key observation points (KOP). Visual impact specialists assessed the potential visual and color contrast impacts not only to previously recorded cultural resources, but to locations of traditional tribal importance. Impacts to specific sensitive viewers were described as: (1) moderate overall visual impacts to the access road to Dome Rock Mountains, located 9.8 miles southwest of the proposed tower location; (2) moderate overall visual impacts to Copper Peak, located 6.7 miles west of the proposed tower location; (3) low/moderate overall visual impacts to the Fisherman Intaglio, located 6.3 miles east of the proposed tower location; (4) low overall visual impacts to the communication site on Black Peak, located 20.2 miles north of the proposed tower location; (5) low overall visual impacts to the Blythe Intaglios Cultural Site, located approximately 19 miles west of the proposed tower location; (6) low overall visual

impacts to the cultural resources area adjacent to Black Point, located 19.5 miles west of the proposed tower location; and (7) low overall visual impacts to the Big Maria Mountains, located 19.8 miles west of the proposed tower location.

Western acknowledges that the visual resources analysis (in Section 4.16.3.2) predicts that glint and glare conditions may occur from the Project to viewers from Copper Peak, Fisherman Intaglio, and Black Point. These sites are located more than 6 miles from the Project site. The level of impact would depend upon the time of day, weather conditions, and viewing location. Impacts are anticipated to be low to moderate.

CRIT Comment No. 3-2

The DEIS concludes that the proposed Project will have no adverse effect on cultural resources based on the lack of settlements, the absence of certain topographic features, and the relatively few prehistoric sites or isolates discovered during the cultural resource study DEIS at 4-80. This conclusion is based on review of existing evidence and a walk-over survey. However, the DEIS admits that “historic military-related use of the southwest portion of the surveyed area obscured surface evidence of prehistoric use” DEIS at 3-77. CRIT therefore disagrees with the DEIS’s assumption that the absence of surface evidence necessarily equals the absence of cultural resources, and hence the absence of impacts to those resources. In a project recently permitted by BLM in California, Genesis Solar Energy Project, the developer discovered scores of artifacts, including what appear to be funerary remains, only after removing eighteen inches of earth.

Response to CRIT Comment No. 3-2

Section 3.14.4.4 in the DEIS/DRMPA states that “...it is possible that historic military-related use obscured surface evidence of prehistoric use,” and goes on to state that the “scarcity of archeological materials indicates that the area was used primarily for travel and associated short-term activity, rather than regular settlement or resource use. The lack of settlements and the absence of topographic features that many tribes used as burial sites, indicate that the potential for the discovery or disturbance of human remains is low.”

The Genesis Solar Energy Project has several key differences in comparison to the proposed Project. The primary difference is geographical location. The Genesis Solar Energy Project was adjacent and within the boundaries of a historic lake bed. Pedestrian surveys identified many artifacts and predicted the discovery of more during construction. The proposed Project, as described in the DEIS/DRMPA, explains that the Project site lacks the geomorphic characteristics, such as standing water, that would suggest previous habitation; thus there is no archaeological or geomorphological evidence indicating the presence of subsurface materials

Though subsurface archaeological materials are not expected, Western and the BLM acknowledge that there is always a potential that unanticipated discoveries may be unearthed during Project construction. Western and the BLM agree that it is important to have a clear plan in place to define the actions that would be implemented to protect and assess any discoveries and to consult with tribes to determine appropriate avoidance or mitigation treatments. Through consultation with the tribes, Western and the BLM have prepared a NAGPRA Plan of Action and a Monitoring and Discovery Plan to address these concerns.

CRIT Comment No. 3-3

As WAPA and BLM concluded that there would be “no adverse effect” on cultural resources, there is no programmatic agreement or memorandum of agreement regarding the proposed Project DEIS at 5-4. While CRIT generally objects to the BLM’s reliance on such agreements to defer analysis and development of mitigation, without such an agreement here, absolutely no consideration is given to what will happen on the Project site if ground disturbance results in an unexpected cultural resource discovery. As demonstrated by the recent experience at the Genesis Solar Energy Project in Riverside County, it is extremely important to have clear procedures in place for dealing with unexpected discoveries in advance of any ground disturbance activities. The Tribes request completion of such a plan. In particular, the first, and in CRIT’s opinion only, response to the discovery of any significant cultural resource should be avoidance.

Response to CRIT Comment No. 3-3

See response to Comment No. 3-2. Western and the BLM agree that it is important to have clear procedures in place in advance of encountering any unexpected discoveries of cultural resources during ground disturbing activities. The agencies have consulted with the tribes to prepare a Monitoring and Discovery Plan, the implementation of which would be a required condition of the ROW grant and other authorizations. Avoidance would be incorporated as the first consideration among the various ways to treat unanticipated discoveries.

CRIT Comment No. 3-4

Ground Disturbance: The DEIS indicates that 1,675 acres will be disturbed, but only 115 acres will be “cleared” of vegetation DEIS at 2-10, 2-35. Please clarify how the ground will be prepared on the remaining 1,560 acres of land. The DEIS states that “[t]he root system of existing vegetation would remain intact to the extent possible...” (DEIS at 2-33) but this does not provide enough information about the depth of disturbance.

Response to CRIT Comment No. 3-4

The 1,560 acres represent the heliostat array. During construction, only the power block area will need to be graded flat. Depending on conditions throughout the heliostat field, the area may need to be “mowed” to clear the surface of the land and remove bushes without actually pulling them out of the ground and disturbing the subsurface.

The heliostat foundations have not been designed yet, but would likely consist of 1 to 3 piles and a foundation cap. Piles are essentially like a telephone pole underneath the foundation. They can be made of wood, concrete, or steel. The piles will likely be 10 to 20 feet deep, and will likely be augered or driven into the ground. The foundation cap will be approximately 2 feet deep. Power and control cables to the heliostats will be routed in common trenches likely to be 2 to 3 feet deep.

CRIT Comment No. 3-5

Cultural Resources: Roasting Pit. The DEIS identifies one prehistoric site: a “roasting pit” located near a location where the applicant proposes to install fiber optic lines. DEIS at 4-81. Given the site’s possible eligibility for the National Register of Historic Places (id.) and the conclusion of the Section 106 process on the grounds that the project will have “no adverse effect” (DEIS at 5-4), BLM and WAPA must require the applicant to avoid any impact to this site. The presence of this site also suggests that additional cultural resources may be discovered

during Project development, necessitating the development of an avoidance plan as discussed above.

Response to CRIT Comment No. 3-5

At this time, Western has not selected a telecommunication option (either fiber optic or microwave; see Section 2.4.4.2 in the DEIS/DRMPA). If fiber optic is selected, the new line would be installed on Western's existing 161-kV transmission line, within an existing BLM ROW, for approximately 12 miles to the north into the Bouse Substation.

Construction techniques for installing fiber optic lines would allow workers to avoid the site. Signage or other temporary markers would be installed and monitors would be onsite to ensure compliance. Workers would receive training on the required procedures to report discoveries, avoid damage, and notify federal agencies promptly of any discoveries during construction or maintenance activities. The requirement for avoidance and monitoring of this particular site, as well as a plan for addressing any unanticipated discoveries during construction and operations, is included in the NAGPRA Plan of Action and Monitoring and Discovery Plan.

CRIT Comment No. 3-6

Creosote (Late *Tridentata*). The DEIS does not discuss the impact to plants important to the cultural practices of the Tribes. The Creosote plant (*Larrea Tridentata*) in particular is valuable for the Tribes, both medicinally and aesthetically. For centuries it has been utilized and respected for its cleansing and healing properties. Further, as one of the oldest, longest-living flowering plants in the region, it holds particular value to the area ecosystem, as habitat, shade, and a source of visual beauty. The DEIS indicates that Creosote is present on the site. DEIS 3-103. The DEIS must be revised to add analysis of impacts to this plant species and to minimize or mitigate for impacts where possible.

Response to CRIT Comment No. 3-6

Western and the BLM acknowledge and respect the importance of the creosote bush to the Colorado River Indian Tribe. As noted in Section 4.10.3.2 in the DEIS/DRMPA, the creosote bush-white bursage vegetation community covers the vast majority of the Project area, and is the most widespread community within the entire Lower Colorado River Valley of the Sonoran Desert. The removal of creosote occasioned by Project construction would have a minor impact on the overall occurrence of this plant species in the southwestern United States.

CRIT Comment No. 3-7

Cumulative Impacts. The DEIS states that “impacts to cultural resources are generally localized and do not result in regionally cumulative impacts.” DEIS at 4-83. As such, the DEIS concludes that cumulative impacts to cultural resources are insignificant. This conclusion completely ignores the recent push to transform the American desert for solar energy development, and the flood of accompanying applications to BLM. See Exhibit 1, Bureau of Land Management; Supplement to Programmatic Environmental Impact Statement for Solar Energy Development in six Southwest States, Appendix A (listing 51 pending solar project applications in Arizona and California, totaling over 500,000 acres, as of August 15, 2011). Moreover, the statement relies on an artificially constrained idea of cultural resources; cultural resources are more than simply individual artifacts. The DEIS must be revised to include a description of this widespread phenomenon and to analyze the cumulative impact the Project will have on the Tribes' cultural resources and ancestral homeland given this context. See 40 C.F.R. §1508.7; Blue Mountains

Biodiversity Project v. Blackwood, 161 F.3d 1208, 1215 (9th Cir. 1998) (NEPA requires analysis of the cumulative impacts of all “reasonably foreseeable” future projects); Grand Canyon Trust v. Federal Aviation Administration, 290 F.3d 339, 347 (D.C. Cir.2002) (holding that where many projects across a geographic area contribute to a similar environmental impacts, the cumulative impacts of all projects must be analyzed under NEPA).

Response to CRIT Comment No. 3-7

Section 4.13.6 in the DEIS/DRMPA states that “there is, however, the potential for future projects in the vicinity to disturb areas that may contain known or unknown cultural resources.” As shown on Figure 4.1, several applications for solar projects have been filed on federal and state lands within approximately 25 miles of the proposed Project. Currently, most of these applications are inactive and may not be reasonably foreseeable, as described in Table 4.1. Nevertheless, future projects in the area could directly or indirectly affect not only archaeological resources, but also ancestral homelands and other places of traditional cultural importance to Indian tribes.

Based on the location of the proposed Project and the results of the cultural resources study conducted for the EIS analysis, the potential for cumulative impacts to archaeological and historic sites as a result of construction, operation, maintenance, and decommissioning of the Project is considered low. Direct impacts to cultural resources are generally localized and do not result in regionally cumulative impacts. The direct impacts of the Applicant’s proposed Project to cultural resources would be localized within the Project area. There is a potential for indirect impacts to the visual setting of the La Posa Plain, and to traditional intervisual connections between locations identified by tribes as having heritage values. There is also the potential for future projects in the vicinity to disturb areas that may contain known or unknown cultural resources, or to indirectly impact traditional intervisual connections between locations identified by tribes as having heritage values. Future projects with potentially significant impacts to cultural resources would be required to comply with federal and state regulations and ordinances protecting cultural resources to assess and mitigate any adverse effects.

CRIT Comment No. 3-8

Environmental Justice. The DEIS concludes that, as no environmental justice populations are located within the same census tract as the Project, “there are no direct or indirect [environmental justice] effects associated with the [proposed Project,” DEIS at 4-98. This statement is belied by other information contained the DEIS. In particular, Tract 9403, which includes most of the Colorado River Indian Reservation, is located less than 10 miles away from the Project. The census tract contains a population that identifies as over one-third American Indian and nearly half Hispanic or Latino, DEIS at 3-101. Over one-third of the population lives below the poverty line, DEIS at 3-103. Given the significant environmental impacts created by the Project, particularly the Project’s impact on visual resources uniquely important to the Tribes, this section must be revised to acknowledge the significant environmental justice impacts of the Project.

Response to CRIT Comment No. 3-8

The eastern boundary of Tract 9403, which covers 288 square miles, is located less than 10 miles away from the proposed Project site. The Colorado River Indian Reservation straddles a part of the Arizona and California border along the Colorado River, with 353 square miles in Arizona and 66.7 square miles in California. The majority of residents within Tract 9403 live in the Town of Parker, Arizona, which is approximately 19 miles west-northwest of the Project site.

In the 2000 census, there were 7,466 residents in Parker, with 3,389 enrolled tribal members. Most of the direct impacts from Project construction and operations would occur within the immediate Project area (i.e., increased traffic on SR 95, increased temporary population, etc.), and would not disproportionately affect residents of Census Tract 9403 in the Parker area.

A view from a residence in Parker, Arizona is shown on KOP 18. Other KOPs within the boundaries of the CRIT include a simulated view from the La Paz County Regional Hospital (KOP 2), which is 21.6 miles north of the proposed tower, and a simulated view from Copper Peak (KOP 5), which is 6.7 miles west of the proposed tower. Both simulations illustrate a low to moderate visual impact to the viewer. These simulations are provided in Appendix F in the DEIS/DRMPA.

CRIT Comment No. 3-9

Finally, the DEIS claims compliance with the consultation requirements of Section 106 of the NHPA, NEPA, and other federal statutes, regulations and executive orders. DEIS at 5-2 to 5-5. While the DEIS indicates that representatives of WAPA and BLM met with CRIT members to discuss the proposed Project, these meetings cannot substitute for true government-to-government consultation. (See DEIS at 5-5; 36 C.F.R. 800.2 (“Consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes.”); *Quechan Tribe of Fort Yuma Indian Reservation v. U.S. Dept. of Interior*, 755 F. Supp. 2d 1104, 1119 (S.D. Cal. 2010) (“While public informational meetings, consultations with individual tribal members, meetings with government staff or contracted investigators, and written updates are obviously a helpful and necessary part of the process, they don’t amount to the type of ‘government-to-government’ consultation contemplated by the regulations.”) In addition, consultation means more than simply providing information to interested Tribes and seeking comment. True consultation must respect, acknowledge, and address tribal concerns related to impacts to the ancestral landscape. Despite tribal input here, however, the proposed Project still results in significant impacts to this landscape. More is required.

Response to CRIT Comment No. 3-9

As described in Section 5.1.3 in the DEIS/DRMPA, since September 2009, Western and the BLM have been consulting with Indian Tribes to ensure that tribes were provided an opportunity to identify concerns about historic properties, advise on the identification and evaluation of historic properties (including those of traditional religious and cultural importance), articulate views on the Project’s effects on such properties, and to participate in the resolution of possible adverse effects. A summary of consultation activities since issuance of the DEIS/DRMPA in November 2011 is provided at the end of this document.

Quechan Indian Tribe

Quechan Indian Tribe Comment No. 4-1

The Area of Potential Effect (APE) is Part of a Traditional Cultural Landscape that QSEP Would Destroy. The APE is part of a cultural landscape that is extremely important to the Quechan Indian Nation and other Indian Nations. The APE is part of a greater traditional landscape that is comprised of important cultural resources, such as The Fisherman Intaglio, The Blythe Intaglio, Dome Rock Mountains, Copper Peak, among others. These sites play an import role to Quechan

cosmology, identity, and cultural history. In between these sites are trails, both spiritual and material/utilitarian, and other sites that all relate to the Quechan People's, and other surrounding Indian Nations, practice and exercise of their spirituality and culture.

Response to Quechan Indian Tribe Comment No. 4-1

As noted in Section 3.13 in the DEIS/DRMPA, Western and the BLM acknowledge that the Project area is located within the traditional territories of the Quechan and other tribes, which continue to be valued for their important cultural, heritage, and historical qualities. Early in the tribal consultation process, the tribes expressed concerns regarding the potential impacts to views from the Fisherman Intaglio, Blythe Intaglios, Dome Rock Mountains, and Copper Peak. These locations and other places identified by the tribes were included in the visual impact analysis described in Section 4.16 in the DEIS/DRMPA, the results of which were shared with the tribes for review and comment. Tribes did not identify specific locations of interest within the Project area, nor were any trails or Native American archaeological sites found within the area; except for 11 dispersed, isolated occurrences of stone and ceramic artifacts.

Quechan Indian Tribe Comment No. 4-2

Implicit in exercising these spiritual practices is having undisturbed viewsheds in between sites. The traditional stories and songs of the Quechan People explain how one site flows into the next, and the overall relationship between all of them. Part of the spiritual appreciation of this area is being able to see one site from another, to traverse trails with an unencumbered view of the area as a whole. In short, the Quechan People assert that there is a spiritual relationship between these sites and it is this relationship that defines this traditional cultural landscape. The Quechan Indian Tribe wants to preserve this cultural property. The introduction of a +650 foot solar collector tower in the APE, in addition to tens of thousands of heliostats that will disseminate a huge glare towards certain sites, will disrupt, if not destroy, the traditional cultural landscape of the area known as the La Posa Plain. Instead of having clear, unimpeded views between spiritual locations, the area will be dominated by a huge, man-made monolith that is not part of the cultural heritage of any Indian Nation. Thus, the Quechan Indian Tribe requests that QSEP not be approved.

Response to Quechan Indian Tribe Comment No. 4-2

Western and the BLM acknowledge that the Quechan and other tribes value the spiritual connections among sites and locations that are tied to traditional stories and songs, and believe it is important to maintain unencumbered views between them. In response to comments from the Quechan Tribe, Western responded in writing to request more information to understand the geographic boundaries of the landscapes and locations of concern and the specific resources or places of traditional religious or cultural importance that could be adversely impacted by the Project. The agencies acknowledge that it can be difficult to attribute clear boundaries to a landscape encompassing places that are interconnected through long-held beliefs and traditions.

Quechan Indian Tribe Comment No. 4-3

The APE Has Cultural Resources Important to Many Indian Nations. The greater landscape that includes the APE is important to many Indian Nations in addition to the Quechan Indian Nation. During the site visit on 2/2/12, there were several representatives from other Indian Nations that expressed opposition to the approval and development of QSEP. At that meeting, representatives from Quechan, Fort Mojave, CRIT, Chemehuevi, and Cocopah all expressed their opposition to QSEP. Additionally, according to some of the comments offered by some of the elders present at

that meeting, that area was traditionally used by the following Indian Nations, some of which even live far from the La Posa Plain: – Quechan, Mohave, Chemehuevi, Cocopah, Maricopa, Yavapai, Hualapai, Havasupai, Tohono O’odham, and many others. The area known as La Posa Plain was a traditional location where the above Indian Nations would travel, trade, worship, live, sing, and generally exercise their culture. Erecting QSEP in that location will permanently disrupt this inter-tribal heritage, and thus, is [sic] should not be approved

Response to Quechan Indian Tribe Comment No. 4-3

See responses to Comment Nos. 3-9 and 4-1.

Quechan Indian Tribe Comment No. 4-4

The RMP Currently Preserves the Visual Resources of the APE. The Regional Management Plan of the BLM Yuma Field Office currently preserves the visual resources of the APE and they should not be amended. Currently, the RMP classifies the area as VRM Class III. Amending the RMP to permit VRM Class IV activity will allow the type of degradation to the cultural landscape that is important to the Quechan Indian Tribe, as described above. Preserving the RMP as a VRM Class III designation, instead of Class IV, is currently agreement with the desires of the Quechan Indian Tribe to allow the preservation of that area as part of a traditional cultural landscape.

The area known as the La Posa Plain is extremely important to the Quechan Indian Tribe and surrounding Indian Nations. This area contains many cultural resources that are important to the culture and heritage of the Quechan. Amending the RMP, and allowing the construction a tall and very visible tower, along with tens of thousands of mirrors, will destroy this heritage and interfere with Quechan People’s ability to preserve their culture and relate to that land, as the Creator had asked of them. The Quechan Indian Tribe respectfully requests that the BLM and WAPA not approve the Quartzsite Solar Energy Project and likewise not amend the Regional Management Plan.

Response to Quechan Indian Tribe Comment No. 4-4

See responses to Comment Nos. 3-9 and 4-1. Western and the BLM acknowledge that Indian tribes have expressed concerns regarding the visual impacts of the proposed Project on the values of traditional tribal territories encompassing the La Posa Plain. Appendix A in the DEIS/DRMPA describes the alternatives that the BLM considered for a potential RMP amendment. Should the RMP be amended, the alternative having the smallest area would be selected, maintaining a buffer of VRM Class III lands between the Project and the Plomosa Mountains.

Cocopah Indian Tribe

Cocopah Indian Tribe Comment No. 5-1

The project location is situated in an area that is within the traditional lands of several tribes; the Cocopah are included in these tribes. However, nowhere in the DEIS or the Cultural Resource Survey Report is the Tribal Cultural Perspective of this location addressed. Additionally, it is stated the “No Historic Properties will be Effected”. This statement and the lack of any mitigation measures for unexpected discoveries during construction are highly unsettling given

the recent situation at projects such as Genesis Solar, Blythe Solar and others where discoveries were made during the construction process.

Response to Cocopah Indian Tribe Comment No. 5-1

See response to Comment Nos. 3-2 and 3-3. Though subsurface archaeological materials are not expected, Western and the BLM acknowledge that there is always a potential for unanticipated discoveries to be unearthed during Project construction. Western and the BLM agree that it is important to have a clear plan in place to define the actions that would be implemented to protect and assess any discoveries and to consult with tribes to determine appropriate avoidance or mitigation treatments. Through consultation with the tribes, Western and the BLM have prepared a NAGPRA Plan of Action and a Monitoring and Discovery Plan to address these concerns.

Cocopah Indian Tribe Comment No. 5-2

We reject the Class III Cultural Resource Survey entirely, and we feel that elements of this report should not be used in the DEIS. The lack of cultural perspective within the report is unacceptable. The report devotes several pages to the military history of the area, but fails to adequately address the prehistoric aspects of the location. No mention at all is made of the numerous trails within the project boundary. The report itself elaborates on the highly dynamic nature of the environment in the survey area. Clearly, this would indicate that a mere surface survey, conducted at 15 meter intervals, would not be adequate to identify all the cultural resources within the survey area. Without analysis and evaluation of all cultural resources associated with this project the project should not move forward. We recommend that a new survey be completed with the benefit of Tribal Cultural Monitors.

Response to Cocopah Indian Tribe Comment No. 5-2

Prehistoric aspects of the Project area are described in Section 3.13.3 in the DEIS/DRMPA. The Class III archaeological survey was completed in accordance with the standards and guidelines in BLM Manual 8110, Identifying and Evaluating Cultural Resources; Arizona Handbook H-8110, Guidelines for Identifying Cultural Resources; and standards of the State Historic Preservation Office (SHPO) and the Arizona State Museum. As discussed in 3.13.2, the survey was thorough, using 15-meter spacing with high surface visibility and covering no more than 40 acres per person per day. The survey crew included a member of the Yavapai tribe trained in survey methods. In addition, Western provided a helicopter flight for a low altitude aerial reconnaissance to determine the destination of observed military tank tracks and to detect any additional tracks or trails through the area that could be prehistoric or historic in age. Ground surveys and aerial views documented tank tracks leading to a former military camp near Quartzsite, as well as livestock trails leading to a corral. No prehistoric trails were documented. The archaeologists examined the spatial distribution of prehistoric isolated artifacts and did not identify any linear patterns or associations with track or trail features. The survey report contains a detailed description of the area's prehistoric cultures and cultural history, as well as a detailed discussion of its history of military use, which is evident in the tank tracks and numerous isolated artifacts found in the Project area survey and prior surveys of nearby areas.

Cocopah Indian Tribe Comment No. 5-3

Regarding the visual resource characterization of the project area, I refer back to the comments made by this office in our April 2012 letter. "BLM states in their April 8, 2011 letter, 'Currently, the Yuma RMP designates this area as Visual Resource Management Class III, which states the

level of change to the landscape should be moderate...the tower could be characterized as a strong contrast, especially given the proximity to Highway 95.” Having read these two statements, it appears clear that this project is in direct contrast and violation of the BLM’s own management procedures, procedures specifically put in place to address these kinds of impacts relating to the visual landscape. The letter also stated, “...an RMP amendment may be required before the right-of-way approval could be given for the project.” Again, this statement leaves me extremely perplexed. If the project is in direct violation of BLM visual resource management objectives and an amendment to the RMP must be completed before approval is granted, perhaps this project should not be approved. The Final RMP document was completed through consultation with various tribes (the Cocopah Tribe being one of the participants); this process took several years to accomplish. The BLM cannot simply amend a document that was created through consultation with Sovereign Indian Nations without consultation on the matter. Amendments to a document such as the Resource Management Plan should not occur solely at the whim of the project proponent.

Response to Cocopah Indian Tribe Comment No. 5-3

Section 202(c) of FLPMA requires the BLM to develop, maintain, and when appropriate, revise land use or RMPs (43 USC 1712). RMP decisions establish goals and objectives for resource management and the measures needed to achieve the goals. RMPs must observe the principle of multiple use and include public involvement (including tribal, state, and local governments). Because these plans are broad in scope, it was recognized that changes in use, resource conditions, policy, and proposed activities would occur over the life of the plan and as a result changes to the plan would be needed. The BLM’s regulations allow for revisions and amendments to land use plans to consider how they will manage land based on new circumstances that arise (43 CFR 1610.5-5). Amending plans as changes occur helps reduce the need for new or major plan revisions. Similar to preparing a new RMP, the public is invited to participate in the plan amendment process.

Cocopah Indian Tribe Comment No. 5-4

The APE for this project lies within a larger landscape that includes the deserts and mountains that surround the Colorado River corridor. These locations were important resource gathering areas, areas of spirituality, and corridors of travel for many tribes in the region. The current defined APE for this project is not sufficient to assess the numerous direct, indirect, and cumulative impacts that this project will create. Again, without full evaluation of all impacts created by this project it should not be approved. Full assessment of the APE must be completed with Tribes included fully in the process.

Response to Cocopah Indian Tribe Comment No. 5-4

Western and the BLM acknowledge that the proposed Project area is within a larger landscape that includes traditional territories, resource and spiritual areas, and corridors of travel for many tribes in the region. The potential direct and indirect impacts of the proposed Project on cultural resources were analyzed within the areas described in Section 3.13.2.1 in the DEIS/DRMPA. The APE for direct impacts is the Project footprint (1,675 acres); and the APE for indirect/visual impacts, incorporating the visual zone of influence of all components of the Project, originally extended 3 miles beyond the footprint of the proposed solar generation facility and 1 mile beyond the proposed electrical switchyard and new 230-kV generation tie-

line. After consultations with tribes in 2010, consideration of potential visual effects was expanded to distances of up to 25 miles from the Project.

Arizona Department of Environmental Quality

ADEQ Comment No. 6-1

The ADEQ appreciates that most of our January 29, 2010 comments were addressed. As a clarification, ADEQ has issued two separate stormwater general permits under the Arizona Pollutant Discharge Elimination System (AZPDES) Permit Program. As we stated in our January 29, 2010 comments, based on the information provided, the QSE Project will require coverage under the AZPDES Stormwater Construction General Permit. However, even with additional information from the DEIS, ADEQ does not believe that the QSE Project will require coverage under the AZPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity from Non-Mining Facilities. Only specific industrial sectors and activities must obtain coverage under this stormwater permit. ADEQ would also iterate that the proposed on-site septic system will require an Aquifer Protection Permit. ADEQ is responsible for permitting wastewater and sewage treatment facilities under the API program, but has delegated review of some API general permits to La Paz County. If the daily design flows of a wastewater treatment facility are anticipated to be in excess of 24,000 gallons per day, QSE will need to apply for an individual Aquifer Protection Permit from ADEQ. Also, based on the information that the QSE project will employ 45 permanent workers, it is likely that any drinking water supplied will be regulated under the state drinking water regulations. As part of the regulatory requirements, an applicant for a new drinking water system, or modifying an existing system, must submit plans for review before construction begins.

Response to ADEQ Comment No. 6-1

Comment acknowledged. As cited in Table 1-2 in the DEIS/DRMPA, QSE will obtain an Aquifer Protection Permit from ADEQ following final engineering design. Information regarding water supply, storage, and treatment systems is described in Section 2.4.2.5 in the DEIS/DRMPA. Information regarding domestic wastewater and how it would be treated and disposed of is discussed in Section 2.7.5.

Arizona Game and Fish Department

AZGFD Comment No. 7-1

Ginger and I have reviewed the document. During this long process, all of our concerns have been addressed. As a result we will not be submitting a comment letter. However, the Department would like to be involved in the development of the proposed long-term Biological Mitigation Action Plan.

Response to AZGFD Comment No. 7-1

As described in Section 4.11.5 in the DEIS/DRMPA, the "...EIS would be used as a basis to create a long-term Biological Mitigation Action Plan that would promote adaptive-management strategies to mitigate unforeseeable impacts as they occur." Components of the plan would be developed based on the final design and layout of the Project. The BLM will consult with the AZGFD in the preparation of the Biological Mitigation Action Plan.

Town of Quartzsite

Town of Quartzsite Comment No. 8-1

This project has been eagerly anticipated by our elected officials, staff, and the business community. Please consider this letter a message of support for the Quartzsite Solar Energy Project by Solar Reserve.

Response to Town of Quartzsite Comment No. 8-1

Thank you for your comment.

La Cuna de Aztlan

La Cuna de Aztlan Comment No. 9-1

Our non-profit La Cuna de Aztlan Sacred Sites Protection Circle is a Native American organization which mission is to protect and preserve sacred indigenous sites that are located along the Colorado River. Our organization has a Memorandum of Understanding (MOU) with the Bureau of Land Management (BLM) to be guardians of these sacred sites that begin in Spirit Mountain (North of Laughlin, NV) and are centered in the Palo Verde/Parker Valleys, down to the Gulf of California (South). These sites include the world famous Blythe Giant Intaglios, Kokopilli, Cicimiltl, El Tosco, and Bouse Fisherman Geoglyphs as well as over 300 other geoglyphs (Intaglios), thousands of petroglyphs, hundreds of pictographs and mountain images.

On Thursday February 2, 2012 our group made a 15-minute power-point presentation at the Quartzsite Tribal meeting that took place at the Quartzsite, Arizona Town Hall. This presentation's main focus was on the sacredness of the area where the proposed Quartzsite Solar Power project will be constructed. We showed those present the many mountain and geoglyph images that surround the area (30-mile radius from the proposed site).

In addition we showed where the Colorado River Indian Reservation was reduced from its original reservation boundaries and how the reservation is trying to extend their boundaries to their original March 15, 1865 state because of the sacredness that lay within the surrounding area.

After the meeting we went on an onsite tour of the proposed Quartzsite Solar Project site. Members and representatives of the 5-Colorado River Tribes expressed their adamant opposition against the construction of this project on sacred land. Afterwards, we toured the Bouse Fisherman Geoglyph site which represents Mastumho for the Mojave, Kumastumho for the Quechan, Ocean Women for the Chemehuevi and Tlaloc for the Mexica. There at the site, we were able to decipher the different symbols that comprise the Bouse Fisherman geoglyph and we showed the BLM and company representatives how other mountain images are connected to the Bouse Fisherman site.

In addition to the destruction of sacred areas, this solar power plant proposes a threat to pristine desert environment and wildlife. Migratory birds and Special status species will be injured or killed due to collision with the power towers and thousands of associated heliostats proposed for construction or may be burned as a result of flying through the thousand degree heat beams generated from the heliostats or via attempted perching on the power towers.

In a recent article regarding the Jenko Solar Project in China, the Chinese are setting an example in protesting against the solar panel projects in their country because they have not only contaminated their water but also the climate change has ruined their agriculture industry. Apparently not even China is benefitting from these thousands of solar panel projects.

The government fast-track stimulus money programs have been a complete failure as demonstrated by the Solyndar Company disaster, the Solar Trust of America Blythe Solar project bankruptcy and the Imperial Valley Solar, LLC that recently terminated its proposed construction because of opposition as well as other companies which are also filing bankruptcy.

We are also opposing to the construction of solar panel projects because of their gross violation to the following indigenous State, Federal, Mexico and United Nation laws that support our demands and why these projects should not be constructed within sacred areas:

- United Nations Declaration on the Right of Indigenous People. Resolution adapted by the General Assembly during the 107th plenary meeting, September 13, 2007. (61/295) (Includes: Article II that stipulates Indigenous archeological rights.)
- Native American Sacred Places, March 6, 2003 (S.B. 18)
- Native American Sacred Lands Act, June 11, 2003 (H.R. 2419)
- The Sacred Land Protection Act, July 18, 2002 (H.R. 5155)
- The Native American Sacred Sites Protection Act, February 22, 2002 (S.B. 1828)
- Accommodations of Sacred Sites and Federal Land, Signed by President Bill Clinton on May 24, 1996 (Executive Order 13007)
- Native American Graves Protection & Repatriation Act of 1990
- Archeological Resource Protection Act of 1979
- American Indian Religious Freedom Act, August 11, 1978
- The Civil Right Act of 1968
- Antiquities Act of 1906

However, we do not oppose to solar panels, we feel that they should be placed in areas that have already been disturbed as well as placing them on roof-tops and in urban areas where energy is mostly need (warehouses, supermarkets, apartments complexes, abandoned air bases, and along the current electrical transmission lines).

This will exclude the need for transmission lines which has now presented major terrorist threats like the blackout that occurred on September 8, 2011 in Mexico, Yuma, Arizona and in Imperial, San Diego & Riverside California Counties.

For all these reasons we are opposing to the construction and amendment to facilitate the construction on public land of the Quartzsite Solar Power project because this area is very sacred

to our indigenous cosmic traditional beliefs and we want to preserve the sacredness of the area for future generations

Response to La Cuna de Aztlan Comment No. 9-1

Western and the BLM acknowledge and respect the comments provided by La Cuna de Aztlan. Regarding the comment that “migratory birds and special status species will be injured or killed due to collision with the power towers and thousands of associated heliostats proposed for construction or may be burned as a result of flying through the thousand degree heat beams generated from the heliostats or via attempted perching on the power towers,” QSE does not expect significant avian and/or bat mortality as a result of the reflected sunlight. As discussed in Section 4.11 in the DEIS/RMP, the Project proposes a set of “Adaptive Management Measures” that will enable the Project to monitor any avian and/or bat impacts to maintain compliance with state and federal regulations, and then allow the Project to adapt its operational practices as necessary to continue to mitigate additional unforeseen impacts over the life of the facility. The plant will not create additional heat in the region beyond what is already radiating from the sun.

Regarding the comment concerning the use of “government fast-track stimulus money programs...,” QSE is not using federal stimulus money to develop this Project.

Regarding the comment concerning placement of solar panels on “...roof tops and in urban areas...,” Western and the BLM are responding to a request from QSE to interconnect and construct a solar facility on BLM managed lands at a specific interconnection location on Western’s Bouse-Kofa 161 kV transmission line. Western and the BLM’s federal action related to this request is described in Section 1.4 in the DEIS/DRMPA. Alternatives considered but dismissed from further analysis are described in Section 2.3 in the DEIS/DRMPA.

The Wilderness Society

Wilderness Society Comment No. 10-1

Our groups support the environmentally responsible development of renewable energy on public lands. Renewable energy development is not appropriate everywhere, however, and places with sensitive and important natural and cultural resources should be protected from development of any kind.

If approved and constructed, the Quartzsite Solar Project application (Quartzsite Solar) would include important environmental benefits, chiefly the production of clean renewable energy. Quartzsite Solar would also have significant environmental impacts, as would any large-scale industrial infrastructure constructed on undeveloped public lands. The BLM is required to analyze and look for ways to mitigate these impacts through the National Environmental Policy Act process, and our comment letter includes specific recommendations for carrying out these requirements.

The most important issue addressed in our comments is the failure of the BLM to responsibly manage lands with wilderness characteristics (LWC), including lands within the Arizona Wilderness Coalition’s Citizens’ Wilderness Proposal that the BLM is not actively managing to protect their outstanding resources and values. The agency’s previous approach to LWC has harmed wilderness values in the lands managed by the Yuma RMP and the additional damage

inherent in the proposed Quartzsite Solar project highlights the importance of addressing LWC now.

Quartzsite Solar is proposed within the La Posa Plain Citizens' Wilderness Proposal (CWP) area. The La Posa Plain CWP has also been identified by the BLM as having wilderness characteristics, though the agency chose not to manage it to protect those characteristics in the Yuma RMP Record of Decision (BLM 2010). Both the Federal Land Policy and Management Act (FLPMA) and current BLM guidance require the agency to not only identify but also evaluate ways to protect LWC. Due to the intersection with Quartzsite Solar, these comments emphasize the agency's responsibility toward wilderness characteristics, the special circumstances surrounding the Quartzsite Solar application, and our recommendations for resolving the issues raised by these circumstances.

These comments cover the following key issues: *[Note: Responses to these comments follow specific sections in the letter].*

- The BLM should manage all LWC (including CWP areas and those LWC that the BLM is not currently managing to prioritize protection of those characteristics above all uses) to protect them from industrial uses and to evaluate alternatives to protect their values for ongoing use and enjoyment. The special circumstances surrounding the Quartzsite Solar application should not establish any type of precedent to be repeated by the BLM. Going forward, the BLM should focus solar development in low-conflict areas prioritized by the agency for such development.
- BLM Should Manage Special Status Species Consistent with Existing BLM Wildlife Policy.
- In the Amendment to the Yuma RMP, the BLM should mitigate impacts from Quartzsite Solar, including intensified damage to the La Posa Plain CWP and impacts on sensitive species. Quartzsite Solar could provide environmental benefits from the generation of clean renewable energy, and if the Quartzsite Solar application is approved the BLM should carry forward the elements of the project proposal that could limit potential environmental impacts.
- The BLM should require best practices to limit environmental impacts from Quartzsite Solar.

The BLM should protect lands with wilderness characteristics and focus solar development in low-conflict areas prioritized by the agency for such development; the Quartzsite Solar application may be a limited, one-time exception.

The BLM's current guidance on inventory and management of LWC, Instruction Memorandum (IM) 2011-154, reiterates the agency's obligations under FLPMA "to conduct and maintain inventories" and to consider how to address and protect identified lands with wilderness characteristics in land use plans and when analyzing project-specific activities. IM 2011-154 specially requires the agency to consider alternatives to protect wilderness characteristics in land use planning efforts. CWP lands are specifically noted as a source for identifying lands with wilderness characteristics. The Quartzsite Solar application and the associated amendment to the

Yuma RMP should comply with BLM's current guidance and make the most of this opportunity to protect lands with wilderness characteristics in this area.

CWP lands have been inventoried by various citizens groups, conservationists, and agencies and found to have "wilderness characteristics," including naturalness, solitude and the opportunity for primitive recreation. Beyond these core values, these lands also provide important wildlife habitat, cultural and scientific resources, invaluable ecosystem services including clean air and water, important economic benefits, and many other resources and values. The sensitive nature of these lands and their resources and values makes protection critical and solar energy development inappropriate.

The BLM should manage LWCs (including CPWs) and those LWCs that the BLM is not currently managing to prioritize protection of those characteristics above all uses) to protect them from solar development and other industrial uses, and should also evaluate alternatives to protect their values for ongoing use and enjoyment.

Description of the La Posa Plain Citizens' Wilderness Proposal Area

In preparation for the revision of the Yuma Resource Management Plan, the Arizona Wilderness Coalition inventoried and determined that the area encompassing the Solar Reserve project in the La Posa Plain east of SR-95 and into the Plomosa Mountains contain wilderness character including remoteness, opportunities for primitive and unconfined recreation, solitude, naturalness, and few impacts from human activity. The La Posa Plain CWP is the only remaining location in the SR-95 corridor between Quartzite [sic] and Parker that offers primitive, unconfined recreation in the absence of roads, in addition to providing other valuable ecological attributes that warrant the area's protection. The Dunes Wildlife Habitat Management Area (WHA) that covers portions of the plain on both sides of SR-95 and north of the Plomosa Backcountry Byway has unique natural significance by providing habitat to diverse species of plants and animals including Cowle's fringe-toed lizard, scaly sand plant, sand food, and flat-tailed horned lizard. Additionally, much of the other lands south and east of this WHA are managed for recreation purposes, which stand in stark contrast to the purpose of the adjacent Dunes WHA and further increases the value and importance of natural areas like the La Posa Plain CWP.

We and other conservation organizations submitted information, including assessment justifications and GIS layers, regarding this area in correspondence dated May and April of 2005 during the early phase of the Yuma RMP revision process. On August 11th, 2005, we followed up with the BLM after the release of the RMP Preliminary Alternatives, outlining policy guidance and reaffirming the BLM's authority to protect the La Posa Plain CWP. In the Final Environmental Impact Statement for the Yuma RMP, the BLM identified the La Posa Plain CWP as having a combination of wilderness characteristics including naturalness, solitude, and primitive and unconfined recreation (see maps 2-11c and 3-18 of the Yuma PRMP/FEIS, 4/2008). Although the BLM did not ultimately allocate the La Posa Plain CWP as an area that the agency is managing to protect its wilderness characteristics, we believe it is incumbent of the BLM to acknowledge and address its wilderness assessment of the area in context of the proposed Solar Reserve Project.

Recommendations for management of CWPs and LWC and prioritization of low-conflict areas for solar development.

In general, solar developers should not pursue solar development on CWPs and the BLM should not allow solar development on CWPs. However, because the BLM has not managed the La Posa Plain CWP to protect its wilderness characteristics, damage from irresponsible off-road vehicle use and other impacts have degraded its wilderness characteristics, creating a special set of circumstances under which the Quartzsite Solar project application can be evaluated.

Because the wilderness characteristics of parts of the La Posa Plain CWP have been damaged, solar development does not create the level of conflict that would be present for proposed development on a CWP that has retained its wilderness characteristics. However, the BLM had an obligation to evaluate opportunities to minimize damage to wilderness characteristics and should mitigate for the loss of wilderness characteristics that has occurred and will be intensified. Recommended mitigation measures are detailed in section II of these comments.

Further, the special circumstances surrounding the Quartzsite Solar application (the potential BLM approval of solar development within the La Posa Plain CWP in consideration of the degraded wilderness characteristics) should not be considered a precedent to be repeated. The BLM should not continue to fail to protect CWPs and then use degradation of wilderness characteristics within CWPs as justification for approving solar development there.

Rather, going forward, the BLM should manage CWPs to protect them and focus solar development in low-conflict areas prioritized by the agency for such development, such as Solar Energy Zones designated through the Solar Programmatic Environmental Impact Statement and the RDEP and Renewable Energy Development Areas designated through RDEP.

Recommendations:

- The BLM should manage LWC (including CWP areas and those LWCs that the BLM is not currently managing to prioritize protection of those characteristics above all uses) to protect them from solar development and other industrial uses, and should also evaluate alternatives to protect their values for ongoing use and enjoyment.
- The special circumstances surrounding the Quartzsite Solar application and the potential for solar development within a CWP whose wilderness characteristics have been degraded because the BLM did not protect the CWP should not be considered a precedent to be repeated by the BLM; BLM should commit to protecting CWPs and LWC.
- Going forward, the BLM should focus solar development in low-conflict areas prioritized by the agency for solar development such as Solar Energy Zones and Renewable Energy Development Areas.

Response to Wilderness Society Comment No. 10-1

The BLM appreciates the comments received on the management of lands with wilderness characteristics. Section 201 of FLPMA requires the BLM to maintain, on a continuing basis, an inventory of all public lands and their resources and other values, which includes wilderness characteristics. Inventories for the Plomosa Mountains area, which covers the Project area, were conducted in 1980, 2005, and 2011. The Wilderness Intensive Inventory conducted in 1980

for the Plomosa Mountains covered an area of approximately 87,340 acres. Extensive impacts on apparent naturalness reduced, for the purposes of solitude determination, the effective size of the area to approximately 15,000 acres. This remaining area was found to be predominantly flat and open with limited topographic screening. The 15,000 acres of the unit that still retain their primeval character were found to not offer outstanding opportunities for primitive recreation and no known ecological, geological, or other features of scientific, educational, scenic, or historical value.

The 2005 Wilderness Characteristics Assessment was completed in response to Arizona Wilderness Coalition proposal for the Plomosa Mountains area, for 22,630 acres. The analysis included the use of remote sensing applications and recent satellite imagery, at the time, to identify all roads in the area. The remaining roadless area lacked topographical diversity so that outstanding opportunities for solitude, primitive unconfined recreation, and naturalness were lacking. It was noted that the area was extensively covered by brassica, an invasive plant. The assessment found the proposed area as not meeting the criteria for wilderness characteristics.

The 2011 Wilderness Characteristics Inventory was conducted in response to the proposed QSE Project. As described in Section 3.1 in the DEIS/DRMPA, the wilderness characteristics inventory for the Applicant's proposed Project was updated in March 2011 and the Project area does not contain land with wilderness characteristics. The BLM complied with all federal laws and policies outlined in IM No. 2011-154, when evaluating wilderness characteristics for the Project area. The conclusion reached in previous BLM inventories, which states that the Plomosa Mountains Area does not qualify as lands with wilderness characteristics, remains valid.

The QSE Project was identified in the Solar Programmatic EIS as a pending project as of August 15, 2011. The BLM defines pending applications as all applications on file with the BLM before publication of the Supplemental Solar Programmatic EIS (October 2011). All appropriately sited projects are currently being processed per existing BLM regulations and policies (e.g., IM 2011-060 [BLM 2011a] and IM 2011-061 [BLM 2011b]). In addition, pending applications on the Department of the Interior's "high priority" list shall continue to be given priority processing as long as the Applicant continues to meet the due diligence provisions in IM 2011-060.

Wilderness Society Comment No. 10-2

BLM Should Manage Special Status Species Consistent with Existing BLM Wildlife Policy

Existing BLM wildlife policy, as set out in the objectives and guidance from BLM's manual for management of Special Status Species (SSS/6840) and Fish and Wildlife (FW/6500) on BLM lands, should be used to identify meaningful conservation objectives as part of the final EIS for the Quartzsite Solar project application. For each project application that the BLM reviews, the agency should set clear goals and commitments to ensure: conservation or recovery of ESA-listed species; reduction or elimination of threats to BLM sensitive species (also minimizing the likelihood of ESA listing for these species under the ESA); and self-sustaining populations and diversity of wildlife, fish and plant resources on the public lands. In this way, the BLM can best comply with its own policies and obligations regarding wildlife management while also supporting responsible solar energy development.

With these specific goals in place for BLM Special Status Species, the BLM should first seek ways to avoid impacts, minimize those remaining impacts, and where impacts cannot be avoided

approach compensatory mitigation that creates benefits for wildlife in other appropriate locations. With these specific goals in place for BLM Special Status Species, the BLM should first seek ways to avoid impacts, minimize those remaining impacts, and where impacts cannot be avoided approach compensatory mitigation that creates benefits for wildlife in other appropriate locations.

Response to Wilderness Society Comment No. 10-2

As described in Section 4.11.5 in the DEIS/DRMPA, the “...EIS would be used as a basis to create a long-term Biological Mitigation Action Plan that would promote adaptive-management strategies to mitigate unforeseeable impacts as they occur.” Components of the plan would be developed based on the final design and layout of the Project. As appropriate, these components would be incorporated in the BLM’s ROW grant and the Notice to Proceed as a condition of Project approval. Adaptive management strategies for biological resources may include, but would not be limited to, post-construction monitoring, post-mortality consultation (if applicable), and consultation and coordination with the applicable resource agencies as appropriate (e.g., USFWS, AZGFD).

Wilderness Society Comment No. 10-3

In the Amendment to the Yuma RMP, the BLM should mitigate impacts from Quartzsite Solar, including intensified damage to the La Posa Plain CWP and impacts on sensitive species.

Agencies must “analyze the mitigation measures in detail [and] explain how effective the measures would be...A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA.” *Nw. Indian Cemetery Protective Ass’n v. Peterson*, 764 F.2d 581, 588 (9th Cir. 1985), *rev’d on other grounds*, 485 U.S. 439 (1988). Through the Quartzsite Solar EIS and the associated Amendment to the Yuma RMP, the BLM should develop and impose mitigation measures to address potential damage from construction of Quartzsite Solar and, since the project will exacerbate damage from irresponsible off-road vehicle use and other impacts caused by the BLM’s failure to protect the La Posa Plain CWP, take this opportunity to evaluate how additional protective measures can protect and enhance wilderness values.

a. Mitigation for impacts to the La Posa Plain CWP and LWC

To mitigate for the impacts to LWC in the La Posa Plain CWP, as well as to comply with IM 2011-154, the BLM can and should update management of other LWC within the Yuma Resource Area to protect those characteristics. In the Record of Decision for the Yuma RMP, the BLM chose to only manage 48,400 acres of 301,200 acres of BLM-identified LWC within the Yuma Resource Area to protect those characteristics. To mitigate for the impacts to the La Posa Plain CWP and LWC, the BLM should amend the Yuma RMP to allocate the remaining area of the La Posa Plain CWP outside of the Quartzsite Solar footprint as an area that the agency will manage to protect its wilderness characteristics. The BLM should also consider allocating other LWC in the Yuma Resource area as areas that the agency will manage to protect their wilderness characteristics. The Amendment to the Yuma RMP associated with Quartzsite Solar (required because of proposed changes to Visual Resource Management for the RMP) provides a straightforward avenue to complete these mitigation actions.

Recommendations: To mitigate for impacts to the La Posa Plain CWP and LWC, the BLM should amend the Yuma RMP to allocate the remaining area of the La Posa Plain CWP outside of the Quartzsite Solar footprint and other LWC in the Yuma Resource Area as areas that the agency will manage to protect their wilderness characteristics. To mitigate for impacts to the La Posa Plain CWP and LWC, the BLM should amend the Yuma RMP to allocate the remaining area of the La Posa Plain CWP outside of the Quartzsite Solar footprint and other LWC in the Yuma Resource Area in areas that the agency will manage to protect their wilderness characteristics.

Response to Wilderness Society Comment No. 10-3

Impacts to Special Management Areas, which include Wilderness Area and the La Posa Plain, are described in Section 4.3 in the DEIS/DRMPA. FLPMA provides direction for land use planning, administration, range management, ROWs, designated management areas (including specific locations and general designation of wilderness areas), and effects on existing rights on lands managed by the BLM. Regulations under 43 CFR 1601 and 1610 complement FLPMA by establishing a high-level process for preparing and revising RMPs. The YFO RMP was developed pursuant to these laws and regulations and was subject to a separate analysis under the NEPA (see also response to Comment No. 10-1).

Wilderness Society Comment No. 10-4

Mitigation for impacts to BLM Special Status Species – As planned, the Quartzsite Solar Energy Project would be developed in the BLM-designated Dunes Wildlife Habitat Area. According to the DEIS, the proposed project would result in the loss of up to 1,675 acres of wildlife habitat. Suitable habitat for the Mojave fringe-toed lizard (*Uma scoparia*) and Scaly sandplant (*Pholisma arenarium*) occur in the area, although surveys of the project site have not yet detected any occurrence of Scaly sandplant.

For BLM Special Status Species, existing BLM policy requires more than maintenance of the status quo and mitigation must ensure a net conservation benefit for these identified species.

Mojave fringe-toed lizard

The Mojave fringe-toed lizard is a medium-sized lizard that inhabits areas of fine windblown sand in the Mohave Desert from the southern end of Death Valley south to the Colorado River around Blythe, and into extreme western Arizona, from about 300 ft. to 3,000 ft. (90–910 m) (Stebbins 2003). This species is thought to be in decline, and is highly vulnerable to off-road vehicle activity and the establishment of windbreaks that affect how windblown sand is deposited. (Stebbins 2003).

Of the wildlife species' that would be impacted by the project, the Mojave fringe-toed lizard is perhaps of greatest concern. This species is a designated BLM sensitive species, an AZGFD Wildlife Species of Concern (a species whose occurrence in Arizona is or may be in jeopardy, or with know or perceived threats or population declines) and Species of Greatest Conservation Need (identified through a multiple criteria analysis in the State Wildlife Action Plan). According to habitat and biological surveys performed for the site, approximately 51.5 acres of moderately suitable habitat for the Mojave fringe-toed lizard would be lost in the project's footprint.

We appreciate that the State Land Site that was studied and evaluated to contain 90% suitable habitat for the Mojave fringe-toed lizard was eliminated from further consideration. We also appreciate and support the siting decision to locate the heliostat field so as to avoid some sand dunes habitat located in the southeastern corner of the project area. This avoidance strategy is commendable. Lastly, we support the proposal to conduct research in the greater region on this special status species (DEIS Appendix E).

Recommendations: We suggest mitigation for solar development should be guided by the following principles:

1. Where compensatory mitigation is warranted, lands and resources should be acquired and/or restored on the same landscape and, more importantly, in the same ecosystem or watershed that will be impacted by the project or development.
2. Where non-federal lands in private ownership are available, the loss of federal lands and resources that provide habitat for threatened and endangered species and sensitive species should be successfully mitigated by the acquisition and permanent protection of currently nonfederal lands and resources that provide better than equivalent benefits to wildlife.
3. On federal mitigation lands, the BLM should permanently protect conservation values.

Response to Wilderness Society Comment No. 10-4

Western and the BLM appreciate the suggested mitigation measures provided by the Wilderness Society. As described in Appendix E in the DEIS/DRMPA, through extensive discussions between QSE and biologists from Western, the BLM, and the AZGFD, the Mojave Fringe-toed Lizard Study Proposal was developed as a plan to expand the scientific knowledge and understanding of this species within the region. There is no compensatory mitigation plan established for the Dune WHA to offset Project related impacts. However, if warranted, the BLM may require the purchase of lands with similar attributes (functions, values, etc.) as mitigation to offset the loss of habitat. As part of the mitigation analysis, available lands containing similar dune habitats of the Dune WHA in the local area and the region were evaluated for purchase as mitigation. This process identified highly suitable dune habitats occupied by the Mojave Fringe-toed Lizard immediately north and adjacent to the Dune WHA on Arizona State administered lands. However, at this time there is no mechanism available to guarantee purchase of these Arizona State Trust lands by the Applicant. Contiguous lands with similar dune system attributes to the Dune WHA were not available in the YFO. Furthermore, equivalent dune habitats adjacent to the Cactus Plains Wilderness Area, an area established to conserve sand dune habitats and the Mojave Fringe-toed Lizard, were not available for purchase or reasonably attainable by the Applicant.

Wilderness Society Comment No. 10-5

While we appreciate the value of the proposal to conduct research on the Mojave fringe-toed lizard, and agree such research would improve the scientific knowledge and future decision making for the management of this species' and its habitat, we believe this action is, by itself, insufficient mitigation for impacts to this special status species. To offset the anticipated loss of 51.5 acres of habitat from the proposed project, we suggest that project proponents fund the

acquisition, conservation and/or restoration of suitable sand dunes habitat at a 4:1 ratio (206 acres).

We suggest the project proponent consider a range and/or combination of mitigation options, in consultation with the BLM and AGFD [sic], including:

- Acquisition and permanent conservation of off-site suitable Mojave fringe-toed lizard habitat on State and/or private lands north of the Project area where suitable habitat is more abundant. Highly suitable habitat under development pressure should be targeted.
- Protection of suitable habitat on BLM lands via the closure of roads and the exclusion of OHV traffic. This could be accomplished in tandem with the management of areas containing potential fringe-toed lizard habitat and wilderness characteristics and values.
- Restoration of degraded Mojave fringe-toed lizard habitat via removing and controlling Asian mustard, an exotic species that is thought to degrade fringe-toed lizard habitat by creating windbreaks that affect how windblown sand is deposited.

Response to Wilderness Society Comment No. 10-5

As previously stated in response to Comment 10-4; Mitigation habitat containing similar attributes (dune habitats functions and values) as the Dune WHA were unattainable. To achieve management objectives of the Dune WHA, the BLM in cooperation with the AZGFD proposes to authorize a monitoring and study plan that addresses impacts to the habitat functions and values of these dune habitats, while providing a baseline of scientific knowledge to support future management objectives. The proposed monitoring plan objectives will define these habitats in the WHA, the systems functions and values, and the ecological importance based on the Mojave Fringed-toed Lizard. The study will define the dune complex habitat use, occupancy, density, distribution, and movements within the Dune WHA system. It will also help define the use and effects of dune stabilization by the invasive Sahara Mustard to the lizard. The plan will investigate potential impacts to the Mojave Fringed-toed Lizard and other occurring vegetation in the dune habitats from herbicide treatments of Sahara Mustard.

Wilderness Society Comment No. 10-6

Quartzsite Solar could provide environmental benefits from the generation of clean renewable energy, and if the Quartzsite Solar application is approved the BLM should carry forward the elements of the project proposal that could limit potential environmental impacts.

In commenting on the Quartzite [sic] solar project, we wanted to highlight several items for which Solar Reserve (the project applicant) and BLM should be commended:

- **Generation of clean renewable energy:** Quartzsite Solar offers the potential to reduce greenhouse gas emissions related to electricity production by avoiding electricity production and associated greenhouse gas emissions at highly polluting fossil fuel plants. The BLM estimates that Quartzsite Solar would generate 450,000 megawatt-hours of clean, renewable electricity each year.
- **Low water use:** To our knowledge this is the proposed first utility scale solar thermal plant in Arizona for which the project applicant is proposing the use of dry cooling

technology. Given the scarcity of groundwater in this region and the potential negative impacts wet cooling would cause, we support this proposal.

- **Minimal new transmission:** The site's close proximity to existing transmission will minimize the need for new infrastructure and associated environmental impacts and costs.
- **Storage capacity:** The plant's molten salt technology provides for storage which will increase and levelize (i.e., decrease spikes and lulls in) its energy production. These effects also provide associated benefits for transmission dispatchers and provides for more grid stability.

Recommendations: If the BLM approves the Quartzsite Solar application, the BLM should select Alternative 1, the dry-cooled alternative proposed by the project applicant, as the preferred alternative. The BLM should also include a calculation of the net lifetime greenhouse gas emissions from Quartzsite Solar in the Final EIS.

Response to Wilderness Society Comment No. 10-6

As noted on page 3 of this document, BLM has selected the Applicant's proposed Project, the dry-cooled alternative, as their preferred alternative.

Appendix D in the DEIS/DRMPA provides detailed information regarding greenhouse gas emissions during construction (Section 1.1.6) and operations (Section 1.2).

Wilderness Society Comment No. 10-7

The BLM should require best practices to limit environmental impacts from Quartzsite Solar.

There are a number of best practices for project design, construction, operation and maintenance that BLM should require to limit potential environmental impacts from Quartzsite Solar. These best practices include:

Lighting: The DEIS states that "Project lighting would be designed to minimize light pollution through the use of sensor-operated lights and directional lighting in cases where this would not compromise safety or security." (DEIS at 2-20) The DEIS also notes that lighting will not be provided for the solar field, limiting the total amount of lighting for the project. Artificial lighting has negative impacts on animal behavior, on recreational use of nearby areas, and on amateur and professional astronomical observers. Arizona is an important dark sky location which also supports an optics industry that significantly contributes to the state's economy.

Recommendation: Beyond the efforts to limit lighting proposed in the DEIS, the BLM should ensure that the artificial lighting for Quartzsite Solar is planned and implemented according to the current best practices recommended for preserving dark skies resources.

Response to Wilderness Society Comment No. 10-7

An approved Lighting Plan will be a component of the final POD. The Lighting Plan will include a commitment from QSE to use the minimum illumination needed for safety and security, and shielding and orienting lights to minimize impacts.

Wilderness Society Comment No. 10-8

Bonding: The DEIS makes it clear that Solar Reserve would be required to post a performance and reclamation bond to ensure compliance with the terms and conditions of the ROW authorization as a condition of authorization issuance. (DEIS at 2-40). As detailed further in the DEIS, these components include hazardous materials; the decommissioning and removal of improvements and facilities; and reclamation, revegetation, restoration, and soil stabilization.

Recommendations: As described in the DEIS, the BLM should implement the requirement for a performance and reclamation bond as a condition of authorization issuance for the Quartzsite Solar project application.

Response to Wilderness Society Comment No. 10-8

Prior to issuance of the ROW grant, the BLM will require payment of a “Performance and Reclamation” bond to ensure compliance with the terms and conditions of the ROW authorization, consistent with the requirements of 43 CFR 2805.12(g).

General Public Written Comments

Comment No. 11-1

I am for the NO ACTION ALTERNATIVE

Response to Comment No. 11-1

Thank you for your comment.

Comment No. 12-1

As president of Yuma Valley Rod and Gun Club 500 plus members no one is in favor of anymore solar in the desert southwest of any type. BLM needs to focus on saving BLM lands not turning public lands to solar power for S. California or Arizona

Response to Comment No. 12-1

Thank you for your comment.

Comment No. 13-1

I would like to take an opportunity to comment on the Proposed Project. I oppose the Proposed Project as well as the Proposed Plan Amendment related to the Quartzsite Solar Project. I do not agree with the amendment of the RMP for this project or other proposed projects that BLM wants to make fit. I support the No Action Alternative in the EIS and I believe that the Visual Resource Management Class should not be modified. I firmly believe that this project is not compatible with the existing surroundings and viewscape. It would have negative effects on resident wildlife populations. It may cause unknown impacts to many forms of wildlife. I also firmly believe that Public Lands should not be used for solar projects such as this

Response to Comment No. 13-1

Thank you for your comment.

Comment No. 14-1

Please record the fact that I am against this project and urge the BLM to select the No Action Alternative, 2.4.1. In addition, I am not in favor of any changes to the BLM's management of this Visual Resource Class IV Land to accommodate a 653 foot "power tower".

Response to Comment No. 14-1

Thank you for your comment.

Comment No. 15-1

I am not for solar if it is built near a populated area or next to a highway or it is going to impact wildlife or people in any way. I am not for a solar project if it is going to be a visual or an unsightly monster that will affect every living thing man, bird, or beast that has to travel over or around the project. This Quartzsite Solar Project with its 653 foot tall tower is not even close to passing the restrictions set on the Visual Resource Management Plan that was recently put into effect. And I urge the BLM and Western Area Power Authority planning team to take a very hard look at this monster and not change the wording so this plan could pass. So I am for NO CHANGES in the VISUAL RESOURCE MANAGEMENT PLAN! I am real concerned about how tall this tower really is and how it will affect Birds and Bats flying around or thru the reflective light aimed at the solar receiver. As a little boy toying around with a small mirror and reflecting the sun's light into a small concentrated stream to catch a piece of paper on fire or roast a few red ants was an awesome thing to see. So I truly believe that any bird or bat will become toast if it fly's anywhere near that concentrated stream of reflective sun light! The area in and around this proposed sight is creosote with a few small washes and a healthy stand of Palo Verde trees. And I have heard comments from the planning team that this is not very good habitat for wildlife. Well I feel that this is excellent quality habitat that Mule Deer seek when the rut is on! And it is the best rabbit, dove, and lizard habitat you could find. To just call this parcel of land (1,675 acres) good for nothing is just wrong. And the scary thing is the applicant applied for up to 26,273 acres or 39.8 square miles!

Response to Comment No. 15-1

As discussed in Section 4.11 in the DEIS/DRMPA, a set of "Adaptive Management Measures" will be adopted to enable the Project to monitor any avian and/or bat impacts to maintain compliance with state and federal regulations, and then allow the Project to adapt its operational practices as necessary to continue to mitigate additional unforeseen impacts over the life of the facility.

Regarding the comment on the Project application area, please see Response to Comment No. 25-1, which explains how the Project will occupy only a relatively small portion of the total application area.

Comment No. 15-2

What will happen to this public land when the technology fails, or Mother Nature shows her vengeance thru a huge storm, or this type of electrical generation just becomes obsolete? Who will pay to put the native habitat back like it was?

Response to Comment No. 15-2

As described in Section 2.6.2 in the DEIS/DRMPA, the lifespan of the proposed Project is expected to be at least 30 years. At the end of the Project's 30-year ROW grant term, the ROW

grant will be either renewed and the Project's facilities repowered or the Project will be decommissioned. When the facility is decommissioned, a facility closure and decommissioning plan will be developed that describes closure requirements and the anticipated bond level necessary to satisfy BLM requirements in 43 CFR Parts 2800 and 2900.

Prior to issuance of the ROW grant, the BLM will require payment of a "Performance and Reclamation" bond to ensure compliance with the terms and conditions of the ROW authorization, consistent with the requirements of 43 CFR 2805.12(g).

Comment No. 15-3

So I am for the NO ACTION ALTERNATIVE!

Response to Comment No. 15-3

Thank you for your comment.

Comment No. 16-1

I am for No Change on the Visual Resource Management Plan and for the No Action Alternative.

Response to Comment No. 16-1

Thank you for your comment.

Comment No. 17-1

I am for no changes on the Visual Resource Management Plan! I am for the No Action Alternative.

Response to Comment No. 17-1

Thank you for your comment.

Comment No. 18-1

I am for NO CHANGES on the Visual Resource Management Plan! And I am for the NO ACTION ALTERNATIVE

Response to Comment No. 18-1

Thank you for your comment.

Comment No. 19-1

I am for no changes on the Visual Resource Management Plan. And I am for the No Action Alternative

Response to Comment No. 19-1

Thank you for your comment.

Comment No. 20-1

I am for NO CHANGE to the Visual Resource Management Plan and support the NO ACTION Alternative on this project.

Response to Comment No. 20-1

Thank you for your comment.

Comment No. 21-1

I am for no changes in the existing status.

Response to Comment No. 21-1

Thank you for your comment.

Comment No. 22-1

This will be a visual abomination. My husband and I are completely against it. We know that it will look like this: http://www.degerenergie.de/uploads/media/11-11_SWE_Country_Special_-_Promising_first_steps_Croatia.pdf?PHPSESSID=249f95bb8b64135cec61fd0636a6ccc5 and it will be a blight upon our beautiful desert landscape, not to mention vaporizing the native birds, and the excess heat it will produce. The mirrors are impractical in this environment where everything we have is covered with gritty dust every single day.

Response to Comment No. 22-1

Thank you for your comment. QSE does not expect significant avian and/or bat mortality as a result of the reflected sunlight. As discussed in Section 4.11 in the DEIS/DRMPA, the Project proposes a set of “Adaptive Management Measures” that will enable the Project to monitor any avian and/or bat impacts to maintain compliance with state and federal regulations, and then allow the Project to adapt its operational practices as necessary to continue to mitigate additional unforeseen impacts over the life of the facility. The plant cannot create additional heat in the region beyond what is already radiating from the sun.

Comment No. 23-1

I am glad to see some renewable energy projects being developed. I hope most of these jobs, and manufacturing materials will be from the US. I am only a winter visitor to Quartzsite, but will enjoy watching this project as it develops. I think the diversity of some of the projects is good, as in years to come maintenance and reliability will show the better projects. I think it is good that there are different approaches being developed for renewable energy sources.

Response to Comment No. 23-1

Thank you for your comment. As described in Section 4.5.3.2 in the DEIS/DRMPA, 450 workers would be needed at the expected construction peak. These jobs will be in direct Project hiring and in the supply chain of equipment and services, as well as in indirect impacts associated with flow-through economic impacts with the communities involved, including Quartzsite, Parker, Blythe, and the Phoenix metropolitan area.

Comment No. 24-1

Let's get going on this! The research has been done now let's get this project completed so we can make our contribution to the earth. This will lessen our carbon footprint and is much safer than nuclear reactors. I hope to live long enough to see this project completed and functioning, generating clean electricity for residents in this area.

Response to Comment No. 24-1

Thank you for your comment.

Comment No. 25-1

Can you tell me what the rationale is for the proponent's applying for a right of way that is 15+ times the size of the project?

Response to Comment No. 25-1

As detailed in sections 2.2 and 2.3 in the DEIS/DRMPA, QSE submitted the original ROW application with a rationale of providing siting flexibility. With that flexibility, an optimum site has been identified and is the subject of this EIS. QSE will amend the ROW application to include only those acres required for the Project.

Comment No. 26-1

Please don't build in quartzsite [sic] area!

Response to Comment No. 26-1

Thank you for your comment.

Comment No. 27-1

We support the new solar tower project near Quartzsite. We are property owners in Quartzsite and believe this will bring positive change to our area. Please approve the project. This December 13, 2011, the Common Council of the Town of Quartzsite voted unanimously to support the Quartzsite Solar Energy Project by Solar Reserve. The Council directed staff to send appropriate letters of support to the relevant agencies to make known their support of this project. The Solar Reserve has made presentations and asked for public comment in Quartzsite first in January 2010. Since then the Vendor, RV Parks and Swap Meet Municipal Board has been tracking the progress of this project. Board members, comprised of community volunteers appointed by Council, wish to support this project and are anxious to provide any assistance with the construction phase of this project, such as RV accommodations other resources.

Response to Comment No. 27-1

Thank you for your comment.

Comment No. 28-1

I attended the meeting in Quartzsite, AZ on 12/14/11. I was impressed with the amount of detail available to the public. The speakers were informative and answered all of our questions. I appreciate the job that BLM is doing. The step by step process enables all citizens to have input. I believe this is a good project for the area, tapping into our abundant natural resource. I believe that there is no one source of energy to meet all of our needs and that we need a variety of energy sources.

Response to Comment No. 28-1

Thank you for your comment.

Comment No. 29-1

After the 14 December public meeting in Quartzsite with BLM and WAPA information, I understand you are receiving comments on the DEIS until 10 February, 2012; therefore this letter. The project, if carried out, would be an environmental disaster to wildlife in the Quartzsite Sonoran Desert area. Speaking for the birds and animals who otherwise have no voice, I wish to be on record as totally against this form of solar project which cannot do otherwise than harm the area, and for really dubious additions to existing power instead of conservation of existing resources. Keep in mind that I know solar, having used and taught both passive solar and photo-voltaic for some twenty-seven years, long before the current interest. These latter forms are of great benefit and a true solution to the energy problems besetting the so-called "developed"

world as well as poorer countries. It is your proposed form of generation energy that is totally wrong and dangerous.

Response to Comment No. 29-1

Thank you for your comment.

Comment No. 30-1

The development of the proposed Quartzsite solar project would disrupt a significant amount of vegetation and wildlife habitat. Because of the difficulty plants often have regenerating in arid environments at least a portion of the above ground vegetation within the project site should be preserved instead of cut off at the root tops (possibly trimmed). This would allow a higher survival rate of some of the native shrubs, which would aid the rehabilitation of the site and the eventual reestablishment of vegetation communities and wildlife habitat, possibly including habitat for sensitive species, after the project is decommissioned.

Response to Comment No. 30-1

As described in Section 2.5.4 in the DEIS/DRMPA, “The root system of existing vegetation would remain intact to the extent possible to limit fugitive dust and soil erosion, and to allow native vegetation to regrow. Impacts to native plants, including salvage, would be consistent with Arizona’s Native Plant Law.”

As noted in Section 2.6.2 in the DEIS/DRMPA, when the facility is no longer viable, a facility closure and decommissioning plan will be developed that describes closure requirements and the anticipated bond level necessary to satisfy BLM requirements in 43 CFR Parts 2800 and 2900.

The required “Performance and Reclamation” bond will ensure compliance with the terms and conditions of the ROW authorization, consistent with the requirements of 43 CFR 2805.12(g). The “Performance and Reclamation” bond will address reclamation, revegetation, restoration, and soil stabilization. The bond will be required prior to issuance of the ROW grant.

Comment No. 31-1

Have you been to Palm Springs or any of the other places where they have solar power? When you are driving down the highways you can’t see if the solar shiles [sic] are hit by the sun, and the turbines don’t look good all over the hills. If the people from China are going to run it, NO. THE DESERT IS NOT LIKE COLO.

Response to Comment No. 31-1

Thank you for your comment.

Comment No. 32-1

I was always under the assumption that BLM was a federal agency who looked after our federal lands for future generations? Doesn’t seem so now days. Please look to the future of our lands and not the money coating someone’s pockets.

Response to Comment No. 32-1

Thank you for your comment.

Public Hearing Comments/Responses

John Bathke, Quechan Indian Tribe – Public Hearing Comment No. 1

My name is John Bathke, and I'm the historic preservation officer for the Quechan Indian Tribe. And before beginning I'll just kind of give a few caveats. I'm new to Quechan and kind of learning as I go. But working with the culture committee and with the tribal government, I just want to share some general concerns.

First, though, I'd like to say that I was very happy to hear about the view shed analysis and I'm happy that the BLM is engaging in that process because those issues are very important to Indian communities. It's not just a matter of surface materials.

If you look on the map, the Colorado River is considered a corridor for this family of people. It's basically a linguistic family going from Cocopah to Quechan and Mojave and Hualapai and Havasupai, as well as other communities to the east and west are all related, and from a Quechan perspective, they consider all that common corridor that is important to them all, not just the Quechan or Mojave, but to all of those people, and so that area is of concern for the Quechan Nation.

As the archeologists may know, the surrounding areas, there are a lot of cultural resources, specifically intaglios, but they play an important role for the river people, and so even though they may not be directly impacted, that tower and that development, you know, without, you know, specifically having elders here, I would say will have an impact upon that whole area.

And so one of the things, one of the many concerns that the Quechan tribal government has is the natural setting of the area of impact, including the cultural landscape, and those are things that the river people would like to have preserved and not disrupted. And so they're extremely concerned that a 650-foot tower will impact that.

I know there were key observation point analyses done. I don't know if any of that was done in conjunction with Indian communities, but there are specific roles that the mountains play, the valleys play, the intaglios play that may not be commonly known to BLM or archeologists, and that's something that our cultural committee is extremely concerned about. Having said that, they would like to do a site visit again, I don't know if they have been out there, they would like to do a site visit to that area.

Response to John Bathke, Quechan Indian Tribe – Public Hearing Comment No. 1

See response to Comment Nos. 4-1 and 4-2.

John Bathke, Quechan Indian Tribe – Public Hearing Comment No. 2

And so those are one of the several concerns. Of course in addition to the area, I was sharing with one of the developers, that even though there may not be a lot of surface material cultural resources, we always have to keep in mind that there are subsurface – there may be subsurface material and that's something that will be of concern to Indian communities.

An example that I was sharing with him, the Genesis project by Blythe, they unearthed a whole bunch of cultural resources subsurface, even as shallow as one foot. And so, you know, how that

land is going to be treated in terms of the depth of, you know, surface disruption will be a concern for the river people.

Response to John Bathke, Quechan Indian Tribe – Public Hearing Comment No. 2

See response to Comment No. 3-2.

John Bathke, Quechan Indian Tribe – Public Hearing Comment No. 3

And just in closing, I'd just like to kind of maybe review the circumstance we're in in the sense that this project is still in application, and there's a ton of applications out there. And unfortunately a lot of times a lot of people come with the attitude that, oh, it will get approved or when it's approved. And from a Quechan perspective, you know, we have the attitude that one of the options it that may not be approved at all. And if it's something that is of great impact to the Quechan culture, then that is our recommendation and our suggestion to BLM. And we kind of would like to remind them of that, you know, option.

And that the BLM, although they're – and the Department of Energy, but specifically the BLM under the Department of Interior, although they are kind of quarterbacking this, they still have a duty to represent tribal governments and the interest of tribal governments. And so I'd look forward to, and having said that, working with the BLM and sharing information and consulting and listening to concerns that, you know, in my case the Quechan Indian government has about projects like this.

And so we will be sharing comments in the future. But like I said, we'd like to do a site visit with our elders and have them maybe establish some key observation points that would be of importance to them. So thank you very much.

Response to John Bathke, Quechan Indian Tribe – Public Hearing Comment No. 3

Thank you for your comments.

George Reiners – Public Hearing Comment No. 1

George Reiners, Of course any disturbance of wildlife habitat is all of great concern. It's a pretty big area. It's not just a lizard area, it's, you know, mule deer, and it's real close to bighorn sheep area as well. When I make my comments, I'll be shooting for the no action alternative.

Response to George Reiners – Public Hearing Comment No. 1

Thank you for your comments.

Richard Oldham – Public Hearing Comment No. 1

My name is Richard Oldham, local resident here and land owner adjoining this project. And my question, I guess one of my questions is do you have a calculation of how much water this is going to use, this facility?

Okay. So what we're doing is putting the questions up and then we'll get answers later I guess or something like that; is that where we are?

Okay. So main question is it would be interesting to know how much water you propose that you're going to use for this facility.

Response to Richard Oldham, Public Hearing Comment No. 1

Water requirements to construct and operate the proposed Project facilities are described in Section 2.4.2.5 (Water Supply, Storage, and Treatment Systems) in the DEIS/DRMPA. Impacts to groundwater resources in the regional area are described in Section 4.12 (Water Resources) in the DEIS/DRMPA.

Richard Oldham – Public Hearing Comment No. 2

Another follow-up question with that would be how much effluent or is there any byproducts that come out of this system that would need to be addressed, at least for the local folks to know. Are you planning on hooking up to the town sewer system or not?

Response to Richard Oldham, Public Hearing Comment No. 2

Methods to store and treat wastewater produced during operations are described in Section 2.4.2.5 (Water Supply, Storage, and Treatment Systems) in the DEIS/DRMPA. The Project will not hook up to the town sewer system as it is more than 10 miles north of the Town of Quartzsite.

Richard Oldham – Public Hearing Comment No. 3

And is this going to be a tax paying entity out there? It would be interesting. It sounds like it's a private corporation so it probably would be. So that was my main questions, being an adjoining property owner. Thank you very much.

Response to Richard Oldham, Public Hearing Comment No. 3

The QSE Project is a business entity and will be taxed accordingly.

Larry L. Clark – Public Hearing Comment No. 1

Ladies and gentlemen, my name is Larry L. Clark. I'm a resident here in Quartzsite in the wintertime. I live in Idaho in the summertime. I'm a member of the Quartzsite Roadrunner Gem and Mineral Club, approximately 800 members in the winter. They don't have much right now. I'm a member of ALAA, American Land Access Association. There's 12,000 members there.

We need access to this land to take pictures, drive four-wheelers, touch the rocks, look at the vegetation, in the rainy season look at the flowers, that kind of stuff. There's some good lapidary material in that vicinity out there. I've been there collecting some this spring already. Thank you.

Attend a lot of these meetings before with BLM and BLM entities, and we'll discuss a lot of things. And like they mentioned, they got plants out there in Barstow and all these places, that's our area too, but I've never heard anything about these. They had a study out not too long ago and never invited to a lot of these things.

I worry about scraping of land because of the animals. Their areas are shrinking, all these animals. I wonder about the water because it will take the water table down. And the main thing is from the BLM prospect of saying they met with the Indian tribes, what did they learn from the Indian tribes about the area? I'd like to see that on the record.

That's one of my big concerns is—I have nothing against solar projects, I know we need clean energy. It's where you put them, where you set them, and a lot of it's set on the Kofa side. Put them in Blythe.

And they wanted to build there in 1994, come out of Washington, D.C., that was their answer. But there's pictures before in 1980s. And the tribes did a study, Colorado River tribes did a study in all these areas in the 1980s. Get those records.

I understand these projects are here is Obama's fast-track projects. They must get this in or they lose their funding. You go around the Indians. They don't meet with the Indian tribes because they're going to get stalled, they'll lose their funding. This is the thing I learned. And I don't really agree that these were already contacted. I know a lot of the tribes there.

Response to Larry L. Clark, Public Hearing Comment No. 1

Thank you for your comments. A tribal consultation summary is provided in the following section.

Juan Gonzalez, La Cuna de Aztlan Sacred Site Circle – Public Hearing Comment No. 1

Good afternoon. My name is Juan Gonzalez, I'm here representing La Cuna de Aztlan Sacred Site Circle and Alfred Figueroa tribal monitor for the sacred site Chemehuevi monitor for the sacred sites. Unfortunately he is ill today and cannot be here. We will be submitting our official response on our view to the Quartzsite Solar Project as soon as I get back with the information.

Our position is the same as the one we gave at the first tribal consultation visual simulation review meeting on August 13, 2010. We are totally against it because it is one of the most sacred areas of the Colorado River. This is what we call Omeyacan, Diamond of Infinity. The Bouse fisherman is Tlaloc for Aztecas, ocean woman for the Chemehuevi, and Mastumho for the Hokan linguistic family. The northern part of the diamond is at the same latitude degree as the CRIT reservation, and the south is Dome Rock Mountain, by the copper mine is directly east from the Blythe giant intaglios.

We have an MOU with the BLM since 2008 that we are enforcing. We have been designated as the guardians of the sacred sites. We also have the full support of the Chemehuevi tribe.

In my words I agree with Mr. Clark over here that spoke earlier. This desert is ours. It's everybody's. And for them to come and destroy it or put a project on there, we just seem like it's disaster. We are for solar energy too, but solar energy on top of houses and stuff like that, not destroying public land which our children, our grandchildren will be able to use later on and enjoy. We need to keep these sacred sites and these deserts protected. Thank you.

Response to Juan Gonzalez, La Cuna de Aztlan Sacred Site Circle, Public Hearing Comment No. 1

See response to Comment No. 9-1.

Beverly Malast – Public Hearing Comment No. 1

I just got out of the hospital yesterday after six weeks, but this is so important to me to speak. I'm Beverly Malast, I'm a resident here. I own some properties here. I am representing a group. A lot of them couldn't attended today but are all for this project because for a couple of reasons.

Quartzsite is basically, and a lot of the people that spoke, one gentleman is just a part-time resident. I am speaking for the full-time residents here. We have a very waning way of doing anything here. It actually is like a three-, four-month period. The rest of the time of all the

people that are speaking, with all due respect though to the Indian tribes, I understand they should be contacted, however, we're looking at it as an innovative way, a good way of maybe doing a little impacting in Quartzsite and getting something going.

So a lot of us are in favor of it for different reasons. Maybe it isn't all about the money, but I do respect Mr. Oldham's comment on how, and I would like to know that before I would go on saying any favorable things, how that is going to impact the people who are the citizens of this town.

Response to Beverly Malast, Public Hearing Comment No. 1

Thank you for your comments.

Wesley Huntley – Public Hearing Comment No. 1

My name is Wesley Huntley. I'm a full-time resident. I was in the political game for a little while, thank God I'm out of it. Anyway, I sincerely pray that the tribes and BLM come to an agreement that is agreeable to both sides. It's very important.

One thing to keep in mind is that when this project is started, if it is started, they'll employ about 200 workers out there, and that will last approximately two years. Every RV park in this town will be filled. After that unit is completed and operating, there will be 65 full-time jobs, and that means an awful lot to our young people here. If we can keep our young people here and raise their families here, we'll have a booming little town.

And we do need this. And I sincerely pray again that the tribes and BLM can get together. Thank you.

Response to Wesley Huntley, Public Hearing Comment No. 1

Thank you for your comments.

Starr Bearcat – Public Hearing Comment No. 1

Starr Bearcat. I come from a long line of traditions, one of them is Sundance, which is outlawed and that we have to do underground. The peoples of this land, the Chemehuevi and the great Indians and all the different tribes, they were here first.

Yes, our town needs jobs, we need to grow, but when I go into an area to put up a sweat lodge, I try to find the tribal leaders and ask permission to do that. And until I do that, then the lodge doesn't go up. If they say, do it in a good way, I do it in a good way as best I can. But it's their home. It would be like putting a solar tower in the middle of a church. So I hope it works out for everybody, but get their permission please.

Response to Starr Bearcat, Public Hearing Comment No. 1

Thank you for your comments.

Libby Shontz – Public Hearing Comment No. 1

Hi, I'm Libby Shontz. I'm a resident of Parker up the road there. I hunt down in the valley, very familiar with the valley where the tribal members live. And this respect for the land mantra that I hear all the time, it's really hard for me to accept because all you need to do is go down to the Parker valley and see how these tribal members live and how they take care of the property that they're living on, and then you will see how much respect they have for the land.

Response to Libby Shontz, Public Hearing Comment No. 1
Thank you for your comments.

TRIBAL CONSULTATION SUMMARY

Western initiated tribal consultation in September 2009 to ensure that tribes were provided an opportunity to identify concerns regarding historic properties, advise on the identification and evaluation of historic properties (including those of traditional religious and cultural importance), articulate views on the Project's effects on such properties, and participate in the resolution of possible adverse effects. Contacts and consultations have involved the following tribes: Ak-Chin Indian Community, Chemehuevi Tribe, Cocopah Indian Tribe, CRIT, Fort Mojave Indian Tribe, Fort Yuma-Quechan Tribe, Gila River Indian Community, Hopi Tribe, Hualapai Tribe, Salt River Pima-Maricopa Indian Community, Tohono O'odham Nation, Twenty-Nine Palms Band of Mission Indians, Yavapai-Apache Nation, and Yavapai Prescott Indian Tribe.

Following the initiation of the tribal consultation process, Western and the BLM held meetings with the tribes to share information regarding the Project and the results of surveys, and to request feedback from the tribes regarding places of traditional importance. Dates for these activities are listed below.

- On September 22, 2009, members of the Cocopah, Hualapai, and CRIT attended a consultation meeting and site visit with representatives from Western and the BLM.
- On October 28, 2009, a consultation meeting was held with the Fort Yuma-Quechan Tribe regarding the Project.
- On March 1, 2010, a consultation meeting was held with the Tohono O'odham Nation.
- On August 13, 2010, Western and the BLM held a tribal consultation meeting that included members of the following tribes: Chemehuevi, Fort Yuma-Quechan, Yavapai-Prescott, Fort Mojave, and CRIT.
- On September 17, 2010, the Four Southern Tribes, which includes the Tohono O'odham Nation and the Ak-Chin, Gila River, and Salt River Pima-Maricopa Indian communities, were presented with information on the Project.
- On October 19, 2010, Western and the BLM held a tribal consultation meeting with, and presented a Project update to, the Fort Yuma-Quechan Tribe staff and Cultural Committee.
- On September 20, 2011, the BLM YFO Field Manager met with the Chairwoman and Council members of the Cocopah Indian Tribe to present information and to discuss the PRMPA.
- On December 9, 2011, Western and the BLM met with the Tribal President, Council members, Preservation Officer, and Cultural Committee of the Quechan Tribe to present information and discuss the proposed Project.
- On February 2, 2012, Western and the BLM hosted a tribal coordination meeting in Quartzsite, followed by a Project area tour and a visit to the Fisherman Intaglio site

located approximately 6 miles away. Representatives of the Cocopah, Quechan, CRIT, Fort Mojave, and Yavapai Prescott tribes attended the meeting.

- In April 2012, the proposed Project was among items discussed at meetings between the BLM Yuma Field Manager and the Cocopah and Quechan tribes.
- On August 16, 2012, managers and staff from Western and the BLM met with Council members of the Fort Mojave Indian Tribe.
- On November 5, 2012, managers and staff from Western and the BLM met with Council members of the CRIT.

Western's early consultations with tribes having traditional cultural associations with the Project area identified several locations of traditional importance outside the Project area, including places of religious significance near the Colorado River that could potentially be affected by views of the proposed Project facilities. Viewshed analyses revealed that the Project would not be visible from some of these locations due to distance or intervening topography. Seven of the locations identified by the tribes were selected as warranting visual simulations to characterize the potential visual impacts of the Project (see Table 3-37 and Section 3-16, Visual Resources, in the DEIS/DRMPA for discussions on visual simulations). Western conducted meetings with the tribes to share information on the visual impacts analysis, to ensure that their views were taken into account in identifying and resolving any adverse effects.

In addition to meetings, Western corresponded with the tribes and shared information throughout the consultation process. In December 2009, Western distributed a draft Programmatic Agreement to address potential adverse effects on properties listed in or eligible for the National Register of Historic Places to the tribes, the BLM, Arizona SHPO, and the Advisory Council on Historic Preservation. Based on refinements of the Project description and the developing results of the cultural resource inventory and assessment, which indicated that conflicts with preservation of cultural resources would be less complex than originally estimated, Western determined that a Programmatic Agreement was not warranted. The draft Programmatic Agreement was formally withdrawn in March 2010. Western invited the tribes to participate as consulting parties to a Memorandum of Agreement, should one be needed to resolve any adverse effects identified following evaluation of the survey results.

In March 2010, Western once again sent letters to the tribes to solicit information regarding the cultural resources that the tribes thought should be considered, and invited the tribes to become cooperating agencies for the preparation of the EIS. No tribes responded that they would like to be included as a cooperating agency.

Copies of the cultural resource survey report were offered to the tribes who attended the consultation meeting, held in August 2010. Western also provided the survey report to tribes in late 2010, with correspondence requesting their comments on proposed determinations of National Register eligibility and effect. Western did not receive specific comments on its proposed determinations.

In December 2010, the SHPO and BLM concurred with Western's recommended determination of "no adverse effect," thus concluding the National Historic Preservation Act Section 106

process. Therefore, given the results of resource identification and evaluation, and the “no adverse effect” determination from the SHPO, there was no need to resolve adverse effects through the use of a Programmatic Agreement or Memorandum of Agreement, or to further consult with the Advisory Council of Historic Preservation.

In early 2011, the BLM determined that it would need to amend the YFO RMP, specifically the boundaries of the VRM Class designations if the proposed Project were to be approved for a ROW grant. In March, 2011, the BLM published a Notice of Intent in the *Federal Register* announcing its consideration of a plan amendment. In accordance with BLM policy in implementing NEPA and FLPMA, Section 202(c)(9), the BLM is obligated to coordinate all aspects of planning with Indian tribes. Therefore, in April 2011, the YFO formally corresponded with the consulted Indian tribes to inform them of the proposed plan amendment, with a request for any related comments, as tribes had expressed concerns during the EIS process regarding the potential effects on visual resources. The Tohono O’odham, Fort Yuma-Quechan, Cocopah, and Yavapai Prescott tribes have expressed objections to amending the land use plan, specifically as related to their concern regarding the protection of scenic qualities and visual landscapes important to certain Tribes.

As explained in Section 3.1 in the DEIS/DRMPA, the plan amendment being considered concurrently with the proposed Project simply allows the proposed Project to be built; therefore, it does not change the methods or conclusions in this EIS with respect to visual and/or cultural resource impacts. For that reason, the proposed plan amendment is a component of the QSE Project, which has already been the subject of tribal consultations in conjunction with the Section 106 process and is the undertaking for purposes of Section 106 compliance. As explained above, the Section 106 process has been concluded for the proposed Project, and a separate 106 process is not required for the proposed plan amendment.

The consulted tribes were provided copies of the DEIS/DRMPA upon its release in November 2011. At public hearings on the DEIS/DRMPA and at the tribal coordination meeting in February 2012, tribal members and representatives expressed opposition to the Project based on the visual and ground-disturbing impacts to regional landscapes that have cultural and spiritual importance for the Cocopah, Quechan, Mojave, Maricopa, Yavapai, and Hualapai peoples. Tribal members cited the importance of maintaining visual and spiritual connections among places, sites, and topographic landmarks that are linked to cultural and religious values embodied in traditional beliefs and oral histories. They did not identify specific locations of importance within the proposed Project area, but pointed out locations of intaglio features and mountains within 6 to 25 miles that could be affected by views of the proposed tower.

In February 2012, the Fort Yuma-Quechan Tribe, Cocopah Indian Tribe, and CRIT provided written comments on the DEIS/DRMPA. This document includes those comments with responses from Western and the BLM. The Quechan Tribe requested the preparation of an ethnographic study, a trails study, and a regional synthesis. Western responded, requesting additional information “to better understand the geographic boundaries of the study areas or locations on which to focus, resources or places of traditional religious or cultural importance known to exist that might be impacted by the project and which tribes that would participate in these studies through interviews.” To date, Western has not received additional information to clarify the content of the requested studies.

The three tribes that provided written comments also expressed concern regarding the potential for unanticipated discoveries of cultural resources during construction. Western and the BLM agreed that it would be prudent to develop and implement a Monitoring and Discovery Plan, including provisions to address any discoveries of materials protected under NAGPRA. In June 2012, Western sent letters to all consulted tribes, providing a draft Monitoring and Discovery Plan and a draft NAGPRA Plan of Action for their review and comments. In July 2012, Western received written comments on the draft plans from the Quechan Tribe, Cocopah Indian Tribe, CRIT, and Gila River Indian Community. Western and the BLM revised the plans to address the tribes' comments, and in August 2012 provided the revised plans to all consulted tribes, while those who had provided written comments were also given a detailed summary of how their comments were considered and addressed. The Monitoring and Discovery Plan describes the notification and consultation procedures that would be followed in the event of a discovery, and will be incorporated into the ROD and any ROW conditions.

DISCLOSURE STATEMENT

CONTRACTOR DISCLOSURE STATEMENT

Environmental Planning Group, LLC. (EPG) is the contractor assisting Western Area Power Administration (Western) in preparing the environmental impact statement (EIS) for the Quartzsite Solar Energy Project. Western is responsible for reviewing and evaluating the information and determining the appropriateness and adequacy of incorporating any data, analyses, or results in the EIS. Western determines the scope and content of the EIS and supporting documents and will furnish direction to EPG, as appropriate, in preparing these documents.

The Council on Environmental Quality's regulations (40 CFR 1506.5(c)), which have been adopted by Western (10 CFR Part 1021), require contractors who will prepare an EIS to execute a disclosure specifying that they have no financial or other interest in the outcome of the project. The term "financial interest or other interest in the outcome of the project" for the purposes of this disclosure is defined in the March 23, 1981, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," 46 *Federal Register* 18026-18028 at Questions 17a and 17b. Financial or other interest in the outcome of the project includes "any financial benefit such as promise of future construction or design work on the project, as well as indirect benefits the consultant is aware of (e.g., if the project would aid proposals sponsored by the firm's other clients)," 46 *Federal Register* 18026-18038 at 10831.

In accordance with these regulations, EPG hereby certifies that it has no financial or other interest in the outcome of the project.

Certified by:

Laura Weinstein
Signature

Secretary
Title

12-5-12
Date

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Appendix A: BLM's Protest Process

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BLM's Protest Process

Per 40 CFR 1506.10, the BLM requires a 30-day protest period between the publication of the FEIS/PRMPA and issuance of a Record of Decision (ROD). In addition, the BLM land use plan amendment process includes a 60-day governor's consistency review as set forth in 43 CFR 1610.5-2. The 30-day protest period and the 60-day governor's consistency review will run concurrently following publication of the Notice of Availability in the *Federal Register*. After conclusion of those periods and the resolution of any protests received, the BLM will publish a Notice of Availability for the ROD/Approved RMP amendment in the *Federal Register*. The BLM decision on the ROW grant request and the plan amendment will be presented in the same ROD.

Pursuant to the BLM's planning regulations (43 CFR 1610.5-2), any person who participated in the planning process for the PRMPA and who has an interest that is or may be adversely affected by the planning decision, may protest the planning decision within 30 days from the date the Environmental Protection Agency publishes the Notice of Availability in the *Federal Register*. Unlike the planning decision, issuance of the proposed ROW grant is an implementation decision that is not subject to protest under the BLM planning regulations.

For further information on filing a protest, please see the accompanying protest regulations (labeled Attachment No. 1), which specify the required protest elements. Protesting parties should take care to document all relevant facts and, as much as possible, reference or cite the planning documents or available planning records (e.g., meeting minutes or summaries, correspondence, etc.). To aid in ensuring the completeness of the protest, a checklist is provided as well (labeled Attachment No. 2).

Protests must be in writing and mailed to the following address:

Regular Mail:

Director (210)
Attention: Brenda Hudgens-Williams
P.O. Box 66538
Washington, D.C. 20035

Overnight Mail:

Director (210)
Attention: Brenda Hudgens-Williams
1620 L. Street, N.W., Suite 1075
Washington, D.C. 20036

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

Emailed and faxed protests will not be accepted as valid, unless the protesting party also provides the original letter by either regular or overnight mail, postmarked by the close of the protest period. Under these conditions, the BLM will consider the emailed or faxed protest as an advance copy and will afford it full consideration. If you wish to provide the BLM with advance notification, please direct faxed protests to the attention of Brenda Hudgens-Williams, BLM Protest Expeditor, at (202) 912-7129, and emailed protests to Brenda_Hudgens-Williams@blm.gov.

The BLM Director will make every attempt to promptly render a decision on each valid protest. The decision will be in writing and will be sent to the protesting party by certified mail, return receipt requested. The decision of the BLM Director shall be the final decision of the Department of the Interior. Responses to protest issues will be compiled in a Director's Protest Resolution Report that will be made available to the public following issuance of the decisions.

Upon resolution of all protests, a ROD may be issued adopting the Approved RMPA and making a decision regarding issuance of the ROW grant. Copies of the ROD will be mailed or made available electronically to all who participated in this NEPA process and will be available to all parties on the BLM Arizona website, or by mail upon request.

Attachment No. 1 – Protest Regulations

[CITE: 43CFR1610.5-2]

Title 43 – PUBLIC LANDS: INTERIOR
CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR
PART 1600—PLANNING, PROGRAMMING, BUDGETING—Table of Contents
Subpart 1610—Resource Management Planning
Sec. 1610.5-2 Protest procedures

- (a) Any person who participates in the planning process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues which were submitted for the record during the planning process.
- (1) The protest shall be in writing and shall be filed with the Director. The protest shall be filed within 30 days of the date the Environmental Protection Agency published the notice of receipt of the final environmental impact statement containing the plan or amendment in the Federal Register. For an amendment not requiring the preparation of an environmental impact statement, the protest shall be filed within 30 days of the publication of the notice of its effective date.
- (2) The protest shall contain:
- (i) The name, mailing address, telephone number and interest of the persons filing the protest;
 - (ii) A statement of the issue or issues being protested;
 - (iii) A statement of the part or parts of the plan or amendment being protested;
 - (iv) A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were disclosed for the record; and
 - (v) A concise summary explaining why the State Director's decision is believed to be wrong.
- (3) The Director shall promptly render a decision on the protest.
- (b) The decision shall be in writing and shall set forth the reasons for the decision. The decision shall be sent to the protesting party by certified mail, return receipt requested. The decision of the Director shall be the final decision of the Department of the Interior.

Attachment No. 2 – RMP Protest Critical Item Checklist

**Resource Management Plan Protest
Critical Item Checklist**

The following items *must* be included to constitute a valid protest whether using this optional format or a narrative letter.

(43 CFR 1610.5-2)

BLM’s practice is to make comments, including names and home addresses of respondents, available for public review. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment – including your personal identifying information – may be made publically available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses will be available for public inspection in their entirety.

Resource Management Plan (RMP) or Amendment (RMPA) being protested:

Name:

Address:

Phone Number: ()

Your interest in filing this protest (how will you be adversely affected by the approval or amendment of this plan?):

Issue or issues being protested:

Statement of the part or parts of the plan being protested:

Attach copies of all documents addressing the issue(s) that were submitted during the planning process by the protesting parties, OR and indication of the date the issue(s) were discussed for the record. Dates:

A concise statement explaining why the State Director’s decision is believed to be wrong: