

US EPA ARCHIVE DOCUMENT



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

January 7, 2013

Gregory Helseth
Bureau of Land Management/Las Vegas Field Office
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301

Subject: Final Environmental Impact Statement for the Searchlight Wind Energy Project, Clark County, Nevada (CEQ #20120384)

Dear Mr. Helseth:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the Bureau of Land Management (BLM) on April 18, 2012. We rated the DEIS as Environmental Concerns - Insufficient Information (EC-2), with our primary concerns regarding potential impacts to water and biological resources. We appreciate the additional information that was included in the FEIS in response to our comments, particularly the information regarding tribal consultation and the statement that project fencing will meet hydrologic performance standards to protect water quality. We have the following recommendations for the Record of Decision (ROD) to maximize resource protection:

Drainages and Ephemeral Washes: We appreciate the indirect reference to avoiding infrastructure placement in drainages in water mitigation measure 6 (MM WATER 6). Figure 4.3-2 shows the layout of the main access road corridor and wind turbine placement in relation to the locations of drainages and ephemeral washes. The main access road corridor appears to pass through jurisdictional waters and some turbines appear to be located in washes. We recommend that BLM include a mitigation measure that clearly states that the applicant will actively seek to avoid placement of infrastructure in drainages and commit to the use of existing natural washes, with adequate buffers, to the greatest extent practicable. This will help reduce the residual erosion impacts identified in the FEIS.

Groundwater supply: We understand that the applicant will procure water from willing sellers if supplies are found to be insufficient. Because of the declining water table in the project area, we recommend that BLM require water conservation features in restroom facilities and other water uses in the Operations and Maintenance facilities.

Biological resources: We appreciate the inclusion of the Biological Opinion (B.O.) in the FEIS. We support the Fish and Wildlife Service's (FWS) recommendation that BLM encourage Duke Energy to continue to coordinate with FWS to develop an Eagle Conservation Plan and then to apply for a golden eagle programmatic take permit (B.O., p. 2). We recommend that BLM include this in the ROD as a mitigation measure for the protection of resources, consistent with the purposes of NEPA. We also support FWS's conservation recommendation that BLM develop a monitoring program to determine

long-term project effects to desert tortoise abundance, distribution, and use of the project area, in coordination with a university or government entity that will be able to disseminate information that is collected through peer-reviewed publications (B.O., p. 47). Such monitoring data could be useful by informing the assessment of direct and cumulative impacts to the desert tortoise in future NEPA analyses.

Finally, we recommend that all mitigation measures identified in the FEIS be adopted in the ROD and included as conditions in construction contracts and any other approvals, as appropriate.

EPA appreciates the opportunity to review this FEIS. If you have any questions, please contact me at 415-972-3521, or contact Karen Vitulano, the lead reviewer for this document, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

/s/

Kathleen Martyn Goforth, Manager
Environmental Review Office

cc: Edward D. Koch, State Supervisor, U.S. Fish and Wildlife Service