

US EPA ARCHIVE DOCUMENT

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

December 3, 2012

Frank McMenimen, Project Manager
Palm Springs South Coast Field Office
Bureau of Land Management
1201 Bird Center Drive
Palm Springs, California 92262

Subject: Final Environmental Impact Statement for the Proposed Desert Harvest Solar Project,
Riverside County, California (CEQ #20120350)

Dear Mr. McMenimen:

The U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement for the Desert Harvest Solar Project. Our review and comments are provided pursuant to the National Environmental Policy Act, the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft EIS and provided comments to the Bureau of Land Management on July 13, 2012. We rated the Draft EIS as *Environmental Concerns– Insufficient Information* (EC-2), primarily due to the project’s potential direct and indirect impacts to groundwater, air quality, desert dry wash woodlands, site hydrology, desert tortoise, and tribal resources. We also raised concerns regarding the cumulative impacts associated with the influx of other large-scale solar energy projects proposed, and under construction, in the Chuckwalla Valley. Previously, on October 17, 2011, EPA also provided extensive formal scoping comments for the proposed project.

We appreciate the efforts of BLM, the applicant, and its consultants to discuss and respond to our Draft EIS comments, and we were pleased to note additional resource analyses, and mitigations that support environmentally preferable outcomes. We were also pleased to see: the selection of Alternative 7, the High-Profile Reduced Footprint Solar Project, in conjunction with Alternative B, a co-located Gen-Tie line shared with the neighboring Desert Sunlight Solar Project; additional discussion on groundwater availability in the Chuckwalla Valley Groundwater Basin; added requirements in mitigation measure WAT-7 “Colorado River Water Supply Plan” to cease groundwater pumping should the project draw water from below the Colorado River Accounting Surface depth of 234 feet; added details on proposed fencing, its effects on drainage systems and the applicability of Executive Order 11988 on floodplain management; and, confirmation that BLM contacted 9 additional potentially affected tribes identified in our Draft EIS comments.

While recognizing these improvements in the Final EIS, we have continuing concerns regarding impacts to air quality, site hydrology, and habitat connectivity, as well as the availability of

compensatory mitigation lands. EPA notes the additional mitigation measures to minimize air quality impacts, including the applicant's commitment to fair-share funding for operation of existing dust monitoring stations associated with the Desert Sunlight Solar Farm project, and to provide on-site dust monitoring on weekend days and holidays during project construction. We also commend BLM for incorporating the use of Tier 4 off-road engines, if available; however, we strongly encourage BLM to commit to their use in the Record of Decision, including the commitment for engines greater than 750 horsepower. Due to the close proximity of Joshua Tree National Park, designated a federal Class I area, we continue to have concerns regarding cumulative air emissions and fugitive dust that may result from concurrent construction of multiple projects in the vicinity. For this reason, we reiterate our recommendation that the ROD include commitments to ensure that all feasible measures to reduce and mitigate air quality impacts to the greatest extent possible will be implemented. We recommend that such measures be identified in consultation with South Coast Air Quality Management District and that their implementation be made a condition of construction contracts, to ensure that air quality standards are not exceeded.

We remain concerned that the Final EIS does not demonstrate that downstream flows will not be adversely impacted due to proposed changes to natural washes, excavation of sediment, or increased sedimentation due to vegetation clearing, the use of a disc-and-roll technique, and the grading of surface irregularities. We recognize that, through the implementation of mitigation measure WAT-4, BLM intends to address these concerns in the ROD by committing to develop design features and control plans to minimize hydrological impacts from mass grading and site contouring; however, since specific details of such plans have not yet been proposed, we are unable to assess their likely effectiveness. We recommend that the ROD include a specific commitment to maintain natural vegetation and contours under the solar panels and avoid grading within the project boundary, to the maximum extent feasible. We continue to recommend that any drainage plans preserve on-site hydrological functions by utilizing existing natural drainage channels, distributing PV panel support structures to avoid desert dry wash woodlands, and minimizing placement of support structures in ephemeral washes, to the greatest extent practicable.

In light of the numerous renewable energy projects in the Riverside East Solar Energy Study Zone area, BLM should ensure that sufficient land to adequately compensate for environmental impacts to resources such as state jurisdictional waters, desert dry wash woodlands, and desert tortoise is available. We recommend that the ROD quantify available lands for compensatory habitat mitigation; specify the timeline to ensure adequate compensatory mitigation has been identified, approved and purchased prior to commencement of construction; and describe the implications for project construction if the timeline is not met. We also recommend that the ROD include the final Biological Opinion and include an update on consultation with US Fish and Wildlife Service to protect sensitive biological resources, including desert tortoise habitat connectivity on the eastern portion of the site. Mitigation and monitoring measures that result from consultation with USFWS should also be included in the ROD.

We recommend that all mitigation measures be adopted in the ROD and be included as conditions in construction contracts and any other approvals, as appropriate, to minimize adverse environmental impacts to the greatest extent possible. If proposed mitigation measures discussed

in the Final EIS are not adopted, we recommend that the ROD explain why those measures were not adopted..

EPA appreciates the opportunity to review this Final EIS. If you have any questions, please contact Anne Ardillo, the lead reviewer for this project. Anne can be reached at 415-947-4257 or ardillo.anne@epa.gov.

Sincerely,

/s/

Enrique Manzanilla, Director
Communities and Ecosystem Division

cc: James Mace, US Army Corps of Engineers
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