

Desert Quartzite Solar Project Responses to Public Comments			
Index Number	Commenter Organization	Summary of Comment	Response
6-1	American Rock Art Research Association	The comment expresses support for the Proposed Action, Alternative 1, under an assumption that view shed issues associated with rock art and geoglyphs will be negotiated with interested Native American communities.	Draft PA/EIS/EIR Section 4.5.1.1 states that the APE was expanded to incorporate the Rock Art District, and Section 4.5.3.1 discusses the potential effects of the project on the District. As discussed in Final PA/EIS/EIR Sections 6.3.3 and 6.3.4, the BLM and County are currently consulting with the Tribes.
7-1	La Cuna de Aztlan Sacred Sites Protection Circle	The comment states that the commenter's organization has been protesting the project since 2015.	The comment is acknowledged and does not require a specific response.
7-2	La Cuna de Aztlan Sacred Sites Protection Circle	The comment introduces the speaker, a native of Palo Verde Valley, monitor of the sacred sites of the Chemehuevi Tribe, founder of La Cuna de Aztlan Sacred Sites Protection Circle, and author.	The comment introduces the background and role of the commenter. The comment is acknowledged and does not require a specific response.
7-3	La Cuna de Aztlan Sacred Sites Protection Circle	The comment states that the commenter plans to submit a full proposal to the Riverside office that ties in all of the sacred sites. The comment states that, if you destroy one of the sites, you affect the other sites, because they are all tied together.	The comment, which was made verbally at a public meeting, did not specify the sacred sites, and the proposal has not been received. No known sacred sites will be affected. The Project's southern boundaries have been drawn to avoid all sites determined to be eligible for the NRHP and CRHR.

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8-2	Chaffin Farms	The comment expresses concern about the proposed access route using 22 nd Avenue. The comment states that the commenter owns the land on both sides, that the road is not a public road, and that he is concerned about his continued access to the property if the project is approved.	According to county records, portions of the road are county roads. However, use of this route for project access will not be authorized until rights across all private lands are acquired.
9-1	Defenders of Wildlife, Natural resources defense Council, Sierra Club, and The Wilderness Society	The comment introduces the signers of the comment letter, their history, and their mission. The comment states that the commenters previously provided scoping comments on April 13, 2015.	The comment introduces the background and role of the commenter. The comment is acknowledged and does not require a specific response.
9-2	Defenders of Wildlife, Natural resources defense Council, Sierra Club, and The Wilderness Society	The comment states that the siting of the project is more appropriate than most other solar projects reviewed by the commenters. The comment acknowledges that Alternatives 2 and 3 would substantially avoid impacts, and would conform to most of the DRECP CMAs. The comment states appreciation for the concise nature of the PA/EIS/EIR document.	The description of the project's avoidance of impacts and status of conformance with DRECP in the comment is consistent with the information presented in the PA/EIS/EIR. This comment does not present any information that requires a specific response.
9-3	Defenders of Wildlife, Natural resources defense Council, Sierra Club, and The Wilderness Society	The comment provides a summary description of Alternatives 2 and 3, and notes that BLM has identified Alternative 2 as the Preferred Alternative. The comment states that Alternative 2 would meet the purpose and need, is consistent with BLM's mandate to prevent the unnecessary or undue degradation of public lands, and would conform to most of the CMAs.	The description of the project in the comment is accurate. This comment does not present any information that requires a specific response.

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10-2	La Cuna de Aztlan Sacred Sites Protection Circle	The commenter states the commenter is opposed to the project.	The commenter's support for the No Action/No Project Alternative is acknowledged. No response is necessary.
10-3	La Cuna de Aztlan Sacred Sites Protection Circle	The comment provides a description of the origin of the Mule Mountains, and how BLM designated the area as an ACEC to protect them.	BLM and the County are aware that the ACEC as originally designated did not include much of the area to the north of the Mule Mountains pediment/bajada that are sensitive to Cultural Resources. Alternative 2 pulls in the project boundaries from the south to avoid most of the sites located near the Alternative 1 APE boundary.
10-4	La Cuna de Aztlan Sacred Sites Protection Circle	The comment states that the commenter has provided previous comments opposing other large solar projects in the area, stating that all of the sites are tied together and cannot be evaluated separately. The comment states that destruction of one site destroys the sacred nature of the Creation story in other areas.	As shown in Table 4.5-1, the Draft PA/EIS/EIR acknowledges that the Proposed Action would directly impact nine eligible pre-historic sites. Tables 4.5-2 and 4.5-3 document that Alternatives 2 and 3 would avoid direct impacts to all eligible pre-historic sites. This difference in impacts among the alternatives will be considered by BLM and the County in their final decision.
10-5	La Cuna de Aztlan Sacred Sites Protection Circle	The comment cites a California Energy Commission (CEC) study for Genesis, in 2010, which concluded that more than 800 sites in the I-10 corridor, and 17,000 sites in the southern California Desert, would be impacted by solar development, and that impacts could not be mitigated to a less-than-significant level. The comment states that the CEC has not honored this conclusion, or BLM's research.	See response to comment 7-4.

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10-9	La Cuna de Aztlan Sacred Sites Protection Circle	The comment states that the project area is an important route for migratory birds, and has been designated as a Globally Important Area by the California Audubon Organization.	The Draft PA/EIS/EIR included migratory bird surveys conducted for the project in 2013 and 2014. Section 3.4.1.1 Special-Status Wildlife Species evaluated species that may occur within the project area. The project is not within a Globally Important Bird Area designated by the California Audubon Organization. The Important Bird Area that the commenter refers to is the Lower Colorado River Valley area, situated north of Blythe (see the interactive map at https://www.audubon.org/important-bird-areas/state/california). Information on the presence and proximity of the National Wildlife Refuges and the Lower Colorado River Valley Important Bird Area has been added to the Final PA/EIS/EIR Appendix D.4.1. The Final PA/EIS/EIR includes numerous measures to protect migratory birds (see Table 2.7, and mitigation measures VEG-8: Avoidance of Biological Resources During Construction and WIL-6: Bird and Bat Conservation Strategy). Impacts after mitigation are expected to be less than significant under CEQA (see BIO-4 in Table ES-2). The additional description information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional description information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
10-10	La Cuna de Aztlan Sacred Sites Protection Circle	The comment states that there are four National Wildlife Refuges in the Lower Colorado River Valley.	Information on the presence and proximity of the National Wildlife Refuges and the Lower Colorado River Valley Important Bird Area has been added to the Final PA/EIS/EIR Appendix D.4.1. The additional description information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional description information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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10-11	La Cuna de Aztlan Sacred Sites Protection Circle	The comment states that the project area is located in an important migration area for endangered Monarch butterflies, which would be destroyed by the project.	The project is not expected to cause significant adverse effects on the Monarch butterfly migration because vegetation is proposed to be mowed allowing native habitat to reestablish onsite. Mitigation measures VEG-9.19 has been modified to specify that, if mowing is not feasible, individual milkweed would be salvaged and transplanted.
10-12	La Cuna de Aztlan Sacred Sites Protection Circle	The comment states that USFWS and CDFW are concerned about the impact of solar projects on migratory birds, bald and golden eagles, Gila woodpeckers, Elf owls, and additional bird and bat species.	Mitigation Measures VEG-8: Avoidance of Biological Resources During Construction and WIL-6: Bird and Bat Conservation Strategy (see Final PA/EIS/EIR Appendix G) will be implemented to assess potential risks to birds and bats based on the proposed activities and will include specific conservation measures that will be employed to avoid, minimize, and/or mitigate any potential adverse effects to these species.
10-13	La Cuna de Aztlan Sacred Sites Protection Circle	The comment cites many complaints of respiratory illnesses by Mesa Verde residents. The comment states that Mesa Verde has been surrounded by solar projects, that these illnesses are related to the solar projects, and that the illnesses lead to Valley Fever. The comment also cites Valley Fever as a cause of deaths for inmates near solar projects in the San Joaquin Valley.	No comments were received from Mesa Verde residents regarding respiratory illnesses. A discussion of incidence of valley fever in the area was provided in subsection 3.9.1.2 of the Draft PA/EIS/EIR, and a discussion of the potential for the project to increase public exposure to valley fever is provided in subsection 4.9.3.1. The analysis concluded that the incidence of valley fever in Riverside County is low, and that implementation of a Dust Control Plan under mitigation measure AQ-1 would reduce the potential for exposure to fugitive dust.
10-14	La Cuna de Aztlan Sacred Sites Protection Circle	The comment summarizes the importance of Blythe airport as a back-up airport to Los Angeles International, and for training. The comment cites a plane crash at Desert Sunlight, and concerns expressed at Ivanpah Solar, to demonstrate that solar power facilities affect atmospheric conditions, threatening birds and aircraft.	See response to comment 7-8.

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10-19	La Cuna de Aztlan Sacred Sites Protection Circle	<p>The comment summarizes indigenous, state, federal, and United Nations laws that support the commenter's demand for the project to not be constructed within a sacred area. These include:</p> <ul style="list-style-type: none"> • National Congress of American Indians Resolution #LNK-12-036 (2012) • Inter-Tribal Council of Arizona Resolution 2012 • Colorado River Indian Tribes Resolution and Letter to President Barack Obama (February 27, 2012) • United Nations Declaration on the Rights of Indigenous People Resolution of 2007 • Native American Sacred Places (S.B. 18, March 6, 2003) • Native American Sacred Lands Act (HR 2419, June 11, 2003) • The Sacred Land Protection Act (HR 5155, July 18, 2002) • The Native American Sacred Sites Protection Act (SB 1828, February 22, 2002) • Accommodations of Sacred Sites and Federal Land (Executive Order 13007) • Native American Graves Protection and Repatriation Act (1990) • Archaeological Resources Protection Act (1979) • American Indian Religious Freedom Act (1978) • The Civil Rights Act (1968) • Antiquities Act (1906) 	<p>The comment only provides a general list of resolutions, legislation, and regulations, and does not specify how each one directly applies to the decision being made by BLM and the County.</p> <ul style="list-style-type: none"> • The National Congress of American Indians Resolution #LNK-12-036 (2012) and Inter-Tribal Council of Arizona Resolution 2012 resolved that BLM conduct meaningful consultation with CRIT, reverse the fast-track approvals process, and abide by applicable federal laws. The consultation is discussed in Section 6.3.3 of the Draft PA/EIS/EIR. The project is not being considered under what was, in 2012, considered fast-track. The compliance of the project with federal laws is discussed in Section 1.9.1, and in Appendix D. • The comment provides no information on the Colorado River Indian Tribes Resolution and Letter to President Barack Obama (February 27, 2012), and no information has been found in a literature search. • The comment provides no information regarding the applicability of specific articles of the United Nations Declaration on the Rights of Indigenous People Resolution of 2007, or the Civil Rights Act of 1968, to BLM's consideration of the project. • Native American Sacred Places (S.B. 18, March 6, 2003) specifies measures to accomplish protection of tribal places through government-to-government consultation between the local government and the tribal government. This consultation occurred, and is discussed in Draft PA/EIS/EIR Section 6.3.4. • The Native American Sacred Lands Act (HR 2419, June 11, 2003), the Sacred Land Protection Act (HR 5155, July 18, 2002), and the Native American Sacred Sites Protection Act (SB 1828, February 22, 2002) were not enacted. • The applicability of Executive Order 13007, the Native American Graves Protection and Repatriation Act (1990), Archaeological Resources Protection Act (1979), American Indian Religious Freedom Act (1978), and the Antiquities Act (1906) are all addressed in Draft PA/EIS/EIR Appendix D, Section D.5.

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11-8	Basin and Range Watch and Western Watersheds	The comment requests information regarding the potential for the project to include a concrete batch plant. The comment provides information regarding the CO ₂ emissions associated with concrete production, and states that a distributed generation alternative would use infrastructure that is already built.	As stated on Page 2-14 of the Draft PA/EIS/EIR, concrete would be obtained from local sources, and the Applicant does not propose construction of an onsite concrete batch plant. An estimate of GHG emissions associated with offsite production of concrete has been added to PA/EIS/EIR Section 4.8.3.1. The additional description information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional description information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
11-9	Basin and Range Watch and Western Watersheds	The comment cites the Executive and Secretarial Orders listed in the purpose and need statement, and states that these are not required to be specific to the project, and that the project does not fulfill all of the requirements of the orders.	Please see Master Response 5a.
11-10	Basin and Range Watch and Western Watersheds	The comment states that the purpose and need is focused too narrowly on the project, and therefore shows a bias towards the project. The comment states that BLM has intentionally left environmental conservation out of the statement, and that this eliminates the concerns of many stakeholders.	Please see Master Response 5a.
11-11	Basin and Range Watch and Western Watersheds	With respect to Executive Order 13783 and Secretary's Order 3349, the comment states that the use of the word "safe" is too vague, and that nothing in the orders requires that the DQSP project be developed.	Please see Master Response 5a.

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11-12	Basin and Range Watch and Western Watersheds	With respect to Executive Order 13807 and Secretary's Order 3355, the comment states that the page and time limitations of Secretary's Order 3355 were not followed, and that they are not relevant to the purpose and need for the project.	Please see Master Response 5a. Secretary Order 3355 mandates Environmental Impact Statements be no more than 150 to 300 pages. Although this document was already in preparation when this order was issued, and the BLM received a page count waiver from the Department of Interior, the BLM has taken steps to comply with this order, such as simplifying and reducing redundancy within the main text of the Final PA/EIS/EIR, as discussed in Final PA/EIS/EIR Section 1.9. This simplification includes deletion of redundant text and non-substantive introductory text, and movement of non-site-specific regional and background information in Chapter 3 (Affected Environment) to Appendix D. These streamlining actions are not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the action does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
11-13	Basin and Range Watch and Western Watersheds	With respect to Section 211 of the Energy Policy Act of 2005, the comment states that the goal in that Act has already been exceeded, and that the goal is therefore irrelevant to the purpose and need for the project.	Please see Master Response 5a.
11-14	Basin and Range Watch and Western Watersheds	With respect to Title 41 of the Fixing America's Surface Transportation Act (FAST-41), the comment states that the administrative requirements of this Act are not relevant to the question of approval of the project, and therefore are not relevant to the purpose and need.	Please see Master Response 5a.

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11-15	Basin and Range Watch and Western Watersheds	With respect to the Riverside County goals listed in the purpose and need statement, the comment states that the County should consider alternatives that utilize rooftops, and to minimize water use and linear developments.	Please see Master Response 5b.
11-16	Basin and Range Watch and Western Watersheds	The comment discusses some of the advantages of rooftop solar, including fewer GHG emissions due to less construction and elimination of workers commuting to remote sites, and discusses how rooftop solar meets several components of the County's goals.	Please see Master Response 5b.
11-17	Basin and Range Watch and Western Watersheds	The comment states that BLM can justify a No Action Alternative by examining the need by utilities for additional utility-scale solar projects, and that alternatives using brownfields and distributed generation, and resulting in no-net loss of wildlife habitat, should be evaluated. The comment also requests that the PA/EIS/EIR evaluate the feasibility of the proposed Energy Storage Systems. The comment refers to the California Energy Efficiency Strategic plan (CEESP), which prioritizes rooftop solar and energy efficiency prior to developing additional remote, industrial-scale solar and wind projects.	Please see Master Response 5b.

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11-18	Basin and Range Watch and Western Watersheds	The comment requests that BLM clarify how impacts can be mitigated with respect to the recent Department directives halting off-site compensatory mitigation.	In the Final PA/EIS/EIR, editorial changes have been made to several mitigation measures to reflect this recent policy. Although new policy specifies the BLM cannot require offsite compensatory mitigation, the policy also specifies compensatory mitigation could be considered if required by a BLM land use plan, state agency or regulation, or volunteered by the applicant. The requirements for offsite mitigation are identified in the NECO plan amendment and required by state laws such as the California Environmental Quality Act. The modification of the compensation requirements is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). The modification only clarifies the manner in which the compensation is managed by BLM and the County, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
11-19	Basin and Range Watch and Western Watersheds	The comment cites a study by the National Renewable Energy Laboratory (NREL) to suggest that the California energy market is already saturated with solar power during peak demand times, likely leading to curtailing them, and therefore there is no need for additional projects.	Please see Master Response 5b.
11-20	Basin and Range Watch and Western Watersheds	The comment poses specific questions regarding the proposed Energy Storage Systems, including whether they assist in solving instability problems, the amount of megawatt hours they can store, how they are to be cooled, how much energy is required to cool them, and how the heat affects their efficiency.	Additional information regarding the ESSs has been added to Section 2.3.3.2 of the Final PA/EIS/EIR. The additional description information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional description information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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11-21	Basin and Range Watch and Western Watersheds	The comment supports a No Action Alternative, with local small-scale distributed battery technology used in urban centers.	Please see Master Response 5b.
11-22	Basin and Range Watch and Western Watersheds	The comment states that the California Renewable Energy Standards can be met in the built environment through the California Energy Efficiency Strategic plan (CEESP).	Please see Master Response 5b.
11-23	Basin and Range Watch and Western Watersheds	With respect to the Competitive Processes, Terms, and Conditions for Leasing Public Lands for Solar and Wind Energy Development, the comment states that these were designed for Solar Energy Zones, and because the DQSP predates that Western Solar Plan, these do not apply to the project.	The BLM is not considering a competitive lease for the Desert Quartzite Solar Project at this time. The BLM is processing the application under the 43 CFR 2800 regulations. See Master Response 4 for further response
11-24	Basin and Range Watch and Western Watersheds	The comment cites the description of MUC Class M (Moderate Use) lands from the CDCA Plan, and states that, because a large land area would be dedicated to a single use, the project would not be consistent with the MUC-M classification.	Please see Master Response 4. The CDCA, as amended, allows for solar projects on Moderate Use classified lands see Section 1.6.4 (Land Use Plan Conformance).
11-25	Basin and Range Watch and Western Watersheds	The comment states that the project conflicts with 11 of the 12 plan elements in the CDCA Plan.	Please see Master Response 4. The CDCA recognizes inherent tradeoffs when managing multiple uses. Section 1.6 summarizes the land use plan and the project conformance to the plans.

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11-26	Basin and Range Watch and Western Watersheds	The comment cites four Decision Criteria for the Energy Production and Utility Corridors Element that are not met by the project. These include minimizing the numbers of rights-of-way (the comment proposes building energy storage on an existing project), avoiding sensitive resources, conforming to local plans (the comment cites the conservation guidelines of NECO and the CDCA Plan), and wilderness values (the comment states that the project would be visible from wilderness areas, and therefore degrade wilderness character).	Please see Master Response 4.
11-27	Basin and Range Watch and Western Watersheds	The comment quotes the PA/EIS/EIR text regarding the relationship between the project and the Western Solar Plan and DRECP, and states that having an application filed before those plans does not result in the need to prioritize the project.	Please see Master Response 4. The BLM is processing the application pursuant to the Federal Land Policy Management Act of 1976, as amended, consistent to existing policy and regulations. Appendix E of the DEIS/EIR discusses the relationship of the DRECP and the project.
11-28	Basin and Range Watch and Western Watersheds	The comment summarizes the BLM sensitive species policy, and requests that the purpose and need statement be revised to emphasize resource protection.	Please see Master Response 5a.
11-29	Basin and Range Watch and Western Watersheds	The comment summarizes the Migratory Bird Treaty Act, and states that numerous neotropical songbirds would be negatively impacted by the project.	Section 4.4-12 addresses potential impacts to migratory birds, and mitigation measures: VEG-8: Avoidance of Biological Resources During Construction and WIL-6: Bird and Bat Conservation Strategy, in App G, specify mitigation for those impacts. Impacts after mitigation are expected to be less than significant under CEQA (see BIO-4 in Table ES-2).

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11-30	Basin and Range Watch and Western Watersheds	The comment cites the description of MUC Class M (Moderate Use) lands from the CDCA Plan, and states that, because a large land area would be dedicated to a single use, the project would not be consistent with the MUC-M classification. The comment states that the project would be more appropriate on lands with an Intensive Use classification. The comment requests that the purpose and need statement analyze conservation policies.	Please see Master Response 4.
11-31	Basin and Range Watch and Western Watersheds	The comment states that the Endangered Species Act protects species found on the site, including desert tortoise, Yuma clapper rail, yellow-billed cuckoo, and Southwestern willow flycatcher. The comment states that lake effects could attract these species to an artificial lake and wetland effect.	Please see Master Response 7.
11-32	Basin and Range Watch and Western Watersheds	The comment states that the California Endangered Species Act protects the Gila woodpecker, Yellow-billed cuckoo, Elf owl, Swainson's hawk, and Arizona bell's vireo, and that these species could be affected by a project next to the Colorado River and microphyll woodlands.	Please see Master Response 7. Draft DEIS/EIR, Table 3.4-1. Special-Status Wildlife Species Evaluated for Potential Occurrence within the Study Area addresses the species listed in this comment. Mitigation measures VEG-8: Avoidance of Biological Resources During Construction and WIL-6: Bird and Bat Conservation Strategy specify conservation measures that will be employed to avoid, minimize, and/or mitigate any potential adverse effects to these species. Impacts after mitigation are expected to be less than significant under CEQA (see BIO-1 through BIO-7 in Table ES-2).

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11-33	Basin and Range Watch and Western Watersheds	The comment states that the Bald and Golden Eagle Protection Act protects these species, both of which could fly over the project site.	Table 3.4-1. Special-Status Wildlife Species Evaluated for Potential Occurrence within the Study Area shows that the golden eagle has a moderate potential to occur in the project area. The Project's Biological Resources Technical Report (Appendix M), shows that the bald eagle has not been observed in the project area. Impacts after mitigation are expected to be less than significant under CEQA (see BIO-1 through BIO-7 in Table ES-2).
11-34	Basin and Range Watch and Western Watersheds	The comment supports selection of the No Action Alternative, and states that the changes to the project have not eliminated major conflicts involving hydrology, biological resources, cultural resources, visual resources, and air quality.	The preference for the No Action Alternative is noted. See resource sections in Chapter Four for information on how Alternatives 2 and 3 reduce impacts to hydrology (Sections 4.20.3.2 and 4.20.3.3), vegetation (4.3.3.2 and 4.3.3.3), wildlife (4.4.3.2 and 4.4.3.3), cultural resources (4.5.3.2 and 4.5.3.3) visual resources (4.19.3.2 and 4.19.3.3) and air quality (4.2.3.2 and 4.2.3.3). Table ES-2 shows that after mitigation, there would either be no or less than significant impacts to biological resources, cultural resources, hydrology (water resources) under CEQA.

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11-35	Basin and Range Watch and Western Watersheds	The comment requests that the project description clarify the type of PV panels to be used. The comment states that this information is needed to be able to assess the potential for the panels to attract birds by the lake effect.	<p>PA/EIS/EIR Sections 2.5 and 2.6 have been revised to describe the type of solar panels to be used in Alternatives 2 and 3, respectively. The additional text documents that the panels would be coated with an anti-reflective coating (ARC). As discussed in Section 4.19.3.1, ARC would not completely eliminate glare, but it would reduce the incidence of glare as compared to uncoated panels, as would be installed in the Proposed Action.</p> <p>With respect to the lake effect, please see Master Response 7. As noted in Section 4.4.3.1 of the Draft PA/EIS/EIR, available information is not sufficient to allow quantification of the potential hazard of glare to be mistaken by birds for open sky or water. However, additional information regarding avian mortality near solar projects that has become available has been added to Section 4.4.3.1. The additional description information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional description information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.</p>
11-36	Basin and Range Watch and Western Watersheds	The comment states that even the Resource Avoidance and Reduced Project Alternatives involve large land areas that would alter the landscape and result in unmitigable impacts.	The comment's objection to approval of a solar power facility at this location due to its occupation of a large land area is noted, and will be considered by BLM and the County in their final decisions.
11-37	Basin and Range Watch and Western Watersheds	The comment states that thin-film Cd-Te modules are more reflective than modules using other technologies, and therefore would have a higher impact on birds and greater visual impacts.	The comment does not include any referenceable source for the statement that glare is not provided from silicon panels, or the implication that thin-film Cd-Te panels produce a greater amount of glare than silicon panels. Photographs provided by the Applicant show that thin-film panels with ARC have a reduced amount of glare as compared to panels without ARC.

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11-38	Basin and Range Watch and Western Watersheds	The comment objects to BLM's rejection of the Private Land Alternative by citing EIS text that estimates that 4,700 acres of private land are available for sale or lease.	The discussion of the feasibility of the private land alternative in subsection 2.9.2.1 addresses the various reasons that solar panels on small, dispersed land parcels cannot be used to replace a single, utility-scale solar plant, including difficulty in acquisition and increased environmental impacts. The fact that a total of 4,700 acres of private land may be available does not imply that all the individual parcels can be feasibly acquired or be developed with a reduced amount of environmental impacts.
11-39	Basin and Range Watch and Western Watersheds	The comment objects to BLM's rejection of the Brownfield Site Alternative, stating that BLM could revise the Purpose and Need Statement in order to allow consideration of sites outside of the local area as an alternative.	Please see Master Responses 5a and 5b.
11-40	Basin and Range Watch and Western Watersheds	The comment objects to BLM's rejection of an Alternative Construction Method Alternative, stating that mowing on other project sites has been viable.	Please see Master Response 2. Subsection 2.3.4.3 discusses the proposed site preparation method, and states that mowing would be used to the extent feasible. The Applicant proposes that approximately 88 percent of the project area would be mowed or disked, with compaction of vegetation. The text in subsection 2.9.2.2 acknowledges that mowing is preferable and only concludes that an alternative which would maintain all onsite drainages and vegetation is infeasible.
11-41	Basin and Range Watch and Western Watersheds	The comment objects to BLM's rejection of a Migratory Bird and Special Status Species Protection Alternative. The comment specifically objects to items cited that would affect the financial viability of the project for the developer, including irregular panel spacing, underground gen-tie lines, and nets over ponds.	Please see Master Response 7. BLM considered each of the measures proposed, and some were and some were not adopted, based on criteria in Section 6.6.3 of the BLM NEPA Handbook H-1790-1.

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11-42	Basin and Range Watch and Western Watersheds	The comment objects to BLM's rejection of the Distributed Generation Alternative, based on the recent state legislation requiring new housing to be outfitted with rooftop solar panels.	Please see Master Response 5b.
11-43	Basin and Range Watch and Western Watersheds	The comment requests that BLM include a No Project Alternative that designates the project area as solar-free, citing the inclusion of this alternative on other solar projects.	The commenter's request for an alternative that would designate the project area as solar free is acknowledged. This alternative was evaluated as part of the Western Solar Plan and DRECP, which evaluated the suitability of lands throughout the CDCA for solar development. The only significant impact found for the No Project Alternative would be increased GHG emissions (see Table ES-2), and the commenter's proposed alternative would worsen this impact.
11-44	Basin and Range Watch and Western Watersheds	The comment requests that BLM include an alternative that, instead of adding new generation, would add energy storage capacity to existing solar projects.	Please see Master Response 5b.
11-45	Basin and Range Watch and Western Watersheds	The comment cites proposed water use information from the PA/EIS/EIR, including statements regarding the unknown feasibility of obtaining water from wells, and a discussion of a back-up plan. The comment states that this constitutes deferred analysis, and asks for information on how this would affect the Colorado River groundwater accounting level.	Please see Master Response 9.

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11-46	Basin and Range Watch and Western Watersheds	The comment cites proposed water use information from the PA/EIS/EIR, including statements regarding the potential use of trucking from PVID to obtain water. The comment requests several clarifications, including the carbon footprint of the truck trips, and the exact use of the water. The comment cites other projects which less, or no, water for panel washing.	Please see Master Response 9. As discussed in Section 4.2 of the Air Quality and Greenhouse Gas Technical Study (Appendix W), the analysis includes the carbon footprint of water truck deliveries.
11-47	Basin and Range Watch and Western Watersheds	The comment requests that the areas where vegetation would be left in place be defined, and for clarification of whether native vegetation will be left there.	Please see Master Response 2.
11-48	Basin and Range Watch and Western Watersheds	The comment states that soil stabilizers could reduce the need to use water, but requests that the specific brands of soil stabilizers be provided, and that their impact on native vegetation and wildlife be described.	The specific soil stabilizers to be used are not known at this time. Mitigation measures AQ-2, VEG-8, and VEG-9 specify that soil stabilizers to be used must be non-toxic to wildlife and plants.
11-49	Basin and Range Watch and Western Watersheds	The comment states that testing has not been done to determine whether onsite water wells are feasible.	See comment 11-45, and Master Response 9.
11-50	Basin and Range Watch and Western Watersheds	The comment cites PA/EIS/EIR text regarding the presence of eolian sand deposits, and states that, because these deposits are derived from Ford Dry Lake and are part of a regional system that moves through Chuckwalla Valley, the fencing associated with the project will cause problems with piling sand and for biological resources.	Please see Master Response 6a.

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11-51	Basin and Range Watch and Western Watersheds	The comment cites PA/EIS/EIR text regarding installation of tortoise fence, whether it is “temporary or long-term” in nature. The comment states that whether it is temporary or long-term must be determined prior to ROW grant. The comment also cites the proximity of the project to Critical Habitat, and states that the commenter is considering petitioning to uplist the desert tortoise.	<p>The text of mitigation measure WIL-1 has been modified to clarify that the solar array area would be enclosed by exclusion fence throughout the construction, operations, and decommissioning phases. References to temporary fencing are intended only to address areas where temporary construction activities occur, and where the area would be restored and not included as part of the operational ROW. The clarification of the mitigation measure is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.</p> <p>The proximity of the project to Critical Habitat (about 15 miles) is discussed in the Draft PA/EIS/EIR Section 3.4.1 and 4.4.6. The potential petition of the commenter is not relevant to the project. The project decision will be based on the site-specific surveys, discussed in Draft PA/EIS/EIR Section 3.4.1.1, which show that the project area supports no tortoise population, and that the project area is not considered to be predicted occupied habitat.</p>
11-52	Basin and Range Watch and Western Watersheds	The comment provides information on the relationship between Mojave fringe-toed lizard habitat and the sand transport corridor, and states that the PA/EIS/EIR fails to evaluate the relative significance of project impacts to local and regional (Chuckwalla Valley) populations.	Impacts to the Mojave fringe-toed lizard, including both occupied and potential habitat, are quantified in Tables 4.4-3 (Direct Impacts) and 4.4-5 (Cumulative Impacts).
11-53	Basin and Range Watch and Western Watersheds	The comment cites PA/EIS/EIR text regarding the avoidance of special status plants to the maximum extent practicable, and states that avoidance is recommended by the CNPS.	Please see Master Response 2.

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11-54	Basin and Range Watch and Western Watersheds	The comment lists several management plans cited in the PA/EIS/EIR, and states that these should be available for public review along with the Draft PA/EIS/EIR. The comment specifically cites the SWPPP as a plan that should not be deferred, because stormwater damage occurred nearby at Genesis.	Please see Master Response 8.

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11-55	Basin and Range Watch and Western Watersheds	The comment lists two mammal species (Palm Springs round-tailed ground squirrel and southern grasshopper mouse) and several bird species that were stated in the BRTR to have been detected during surveys, but which were not included in Table 3.4-1 of the PA/EIS/EIR.	<p>With respect to the bird species, the comment compares detection information from Table 13 of the Corvus report with information from Table 4 from the Ironwood (2014) report regarding the 160 acre private land area. The Corvus report does not distinguish between observations within the project transects versus observations along the control transects. Observations along the control transects do not, on their own, indicate presence in the private land parcel. Of the bird species mentioned in the comment, the prairie falcon is a special status species, and was stated to have a moderate potential for using the site for foraging. The other species are not special status species, and/or were judged to not have more than a low potential for presence. The information regarding the presence of prairie falcon was discussed on Page 3.4-18, and in Table 4.4-2 of the Draft PA/EIS/EIR; therefore, for clarification, the prairie falcon has been added to the species list in Table 3.4-1 of the Final PA/EIS/EIR. The addition of the prairie falcon to the list of species is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional description information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.</p> <p>With respect to the Palm Springs round-tailed ground squirrel and southern grasshopper mouse, BLM determined that these species had low potential to occur within the Project area, and detailed analysis is not required.</p>

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11-56	Basin and Range Watch and Western Watersheds	The comment cites PA/EIS/EIR text regarding the density of black-tailed jack rabbits, and how the density estimate was used to state that golden eagles were expected to forage infrequently on the site. The comment states that, without providing a density estimate from a reference site, the conclusions regarding golden eagle foraging is not supported.	The conclusion regarding the relationship between the black-tailed jack rabbit density and the quality of the foraging habitat was based on the professional judgment and experience of the authors of the Biological Resources Technical Report. A subsequent search of the literature for data on the density of black-tailed jack rabbits identified a range of 0.04 to 5.2 rabbits per acre (Best 1996) in other locations, supporting the statement that the 0.0035 rabbits per acre on the Project site is relatively low. This information has been added to the PA/EIS/EIR text in Section 3.4.1. The additional information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
11-57	Basin and Range Watch and Western Watersheds	The comment quotes PA/EIS/EIR text regarding the location of the project area along the Pacific Flyway, and states that this support's the commenter's statement that the project's location increases the potential for bird strikes.	Please see Master Response 7.
11-58	Basin and Range Watch and Western Watersheds	The comment quotes text from PA/EIS/EIR section 3.4 regarding the situation of the project with respect to wildlife corridors identified in DRECP. The comment provides a map of the linkage design for the California Desert Linkage Network, and states that the PA/EIS/EIR fails to disclose the fact that the project would block part of this linkage.	A figure (3.4-11) has been added showing the relationship of the Project to the California Desert Linkage Design Network. The text in Sections 3.4.2, 4.4.4, and 4.4.6 of the Final PA/EIS/EIR has been revised to address the impact of the overlap between the network and the project. The overlap primarily involves the gen-tie line, although a portion of the solar arrays also overlies the edge of the network. The additional description information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional description information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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11-59	Basin and Range Watch and Western Watersheds	The comment cites PA/EIS/EIR text regarding residual effects, including “net losses in waters of the state”. The comment states that this means that the proposed mitigation is insufficient to reduce impacts to less than significant levels, because the agencies could require a higher compensation ratio that results in no net losses of water of the state.	The commenter is correct that a portion of the statement in the Draft PA/EIS/EIR was misleading since mitigation measure VEG-10 requires compensation for any losses, at a ratio to be determined by CDFW, Table ES-2 of the Draft PA/EIS/EIR shows mitigation would reduce all such impacts to less than significant levels under CEQA, and there is no information to suggest that the mitigation would be insufficient. Therefore, the text in Section 4.3.7 of the Final PA/EIS/EIR has been revised accordingly. The clarification of the text is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
11-60	Basin and Range Watch and Western Watersheds	The comment quotes PA/EIS/EIR text which states that, based on the availability of large amounts of available forage land closer to the river, the project area is of lesser value and importance for migratory bird foraging. The text cites studies which concluded that migratory birds do not confine themselves to the central part of the corridor near the river, that birds would be attracted to shade produced by the solar panels, and that birds would be attracted to grasses that result from incidental irrigation during panel washing.	Please see Master Response 7. The referenced study of avian use of citrus orchards is not relevant to the solar facility, and the comment provides no substantiated reference for the purported congregation of birds in the shade underneath solar panels.

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11-65	Basin and Range Watch and Western Watersheds	The comment states that the MFTL exhibits a meta-population structure, and discusses the characteristics of this type of population with respect to the potential for extinction. The comment then states that the PA/EIS/EIR failed to address the importance of metapopulation dynamics to the MFTL impact analysis.	See the response to comment 11-64. The conclusion that there is a 59.7 percent loss of habitat is not supported by the Draft PA/EIS/EIR. Table 4.4-5 of the Draft PA/EIS/EIR provides an estimate of 1.8 percent, and the comment does not refute this estimate or provide support for the estimate of 59.7 percent.
11-66	Basin and Range Watch and Western Watersheds	The comment cites the avian mortality monitoring results from Desert Sunlight and Genesis. The comments refers to their levels of avian mortality as “high”, states that a diversity of dead birds were found, and states that a number of the birds had collision injuries.	Please see Master Response 7.
11-67	Basin and Range Watch and Western Watersheds	The comment cites a presentation made by Amy Fesnock of BLM, which concluded that avian mortalities identified through solar project monitoring substantially exceeded avian mortalities identified in background areas, and that background mortality did not appear to be a significant factor in mortality rates at solar facilities.	Please see Master Response 7.
11-68	Basin and Range Watch and Western Watersheds	The comment cites an abstract presented at the Desert Tortoise Council Symposium in 2016, which claimed that, although a great deal of effort is placed on properly siting and permitting a solar project, little or no oversight occurs during construction or operations, and environmental staff associated with the solar project operators are encouraged to minimize the reporting of information, even to the extent that some have lost their jobs over reporting information.	BLM has revised contracting procedures to improve their ability to provide more direct oversight of the monitors through the ECCMP.

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11-69	Basin and Range Watch and Western Watersheds	The comment states that reported bird mortality numbers at Genesis were higher when the reports were incidental (i.e., reported by workers randomly finding dead birds), and were about half that level once focused surveys were conducted. The comment implies that the results of the focused surveys are not being properly reported.	Please see Master Response 7.
11-70	Basin and Range Watch and Western Watersheds	The comment cites results from a study stating that 3,545 mortalities from 183 species were detected at seven solar projects between 2012 and 2016. The comment states that the impacts of large-scale solar projects on federally listed species have not been fully analyzed.	Please see Master Response 7.
11-71	Basin and Range Watch and Western Watersheds	The comment presents a series of specific questions and recommendations regarding the lake effect, including: <ul style="list-style-type: none"> • the effect of polarization; • whether other factors, such as texture or color, play a part; • the mechanism of the lake effect; and • field testing of the lake effect. 	Please see Master Response 7.
11-72	Basin and Range Watch and Western Watersheds	The comment states that avoidance of microphyll woodland under the Reduced Project Footprint could result in greater impacts to birds because they would be attracted by the riparian area situated in very close proximity to panels.	Please see Master Response 7. Avoidance of microphyll woodlands is required to address several resource impacts, and monitoring and mitigation for impacts to migratory birds are included in Draft PA/EIS/EIR.
11-73	Basin and Range Watch and Western Watersheds	The states that, due to the location of the project in the Pacific Flyway, the cumulative effect of large-scale solar projects should justify rejection of the project.	Please see Master Response 7.

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11-81	Basin and Range Watch and Western Watersheds	The comment states that all three alternatives would have large visual impacts, and that if the project uses thin-film technology, the project will produce a lake effect appearance and glaring reflective flashes.	Please see Master Responses 1, 3, and 7, and the response to Comment 11-35.
11-82	Basin and Range Watch and Western Watersheds	The comment cites the analysis of the project under VRM Class III standards, and notes that one objective of Class III is to partially retain the existing character of the landscape. The comment states that the project cannot be considered to achieve this objective. The comment states that the area would have to be VRM Class IV for the project to be consistent, and cites instances where BLM has modified a VRM Class to Class IV for an area to accommodate proposed development. The comment stresses that this should not be done for the DQSP.	Please see Master Response 2.
11-83	Basin and Range Watch and Western Watersheds	The comment objects to the KOPs chosen for the visual impact analysis because they are too distant, and were taken from ground level. The comment specifies that KOP 4 is the only KOP that accurately shows the scale of the project, and objects to KOP 2, 1c, and 6 because the project is not visible.	Please see Master Response 2.

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11-84	Basin and Range Watch and Western Watersheds	The comment specifies other locations that should be analyzed as KOPs, including KOPs from different times of the day, closer locations, and elevations with higher relief. The comment specifies that KOPs should include one quarter mile from either side, locations in the Mule, Little Chuckwalla, and McCoy Mountains, night sky views, and vies during construction. The comment states that KOPs in VRM Class I and II areas should be used for analysis.	Please see Master Response 2.
11-85	Basin and Range Watch and Western Watersheds	The comment cites objections to the project by the Colorado River Indian Tribes, describes some of the associated cultural resources, and states that analysis of the area as a Cultural Landscape should be done.	The comment is acknowledged and does not require a specific response.
11-86	Basin and Range Watch and Western Watersheds	The comment discusses the association of cultural resources with playa edges, benches, and washes, and cites cultural resource impacts associated with a NextEra project. The comment states that such impacts cannot be mitigated, and project approval would make the impacts worse.	The comment is acknowledged. Although all cultural resources cannot be avoided directly or indirectly, project alternatives 2 and 3 have been designed to avoid all NRHP eligible and some non-eligible sites through Alternative 2. Mitigation measures Cultural 1 through 8 are required to reduce impacts to cultural resources.
11-87	Basin and Range Watch and Western Watersheds	The comment is a conclusion to the comment letter, and expresses a preference for the No Action Alternative.	The commenter's support for the No Action/No Project Alternative is acknowledged and does not require a specific response.
12-1	Desert Tortoise Council	The comment provides background information on the history and role of the Desert Tortoise Council.	The comment is acknowledged and does not require a specific response.

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12-8	Desert Tortoise Council	The comment requests that the PA/EIS/EIR demonstrate how the project and the proposed mitigation will improve conservation of the desert tortoise, instead of just offsetting the direct, indirect, and cumulative impacts of the project. The comment states that this demonstration is necessary to demonstrate compliance with section 7(a)(1) of the federal Endangered Species Act.	BLM initiated consultation for Section 7 ESA compliance on October 25, 2018. Subsection 6.3.1 of the Final PA/EIS/EIR has been revised to update the current status of this consultation. While BLM, as an agency, is required to carry out programs to further conservation of threatened and endangered species, and does so, improvement of conservation is not required as a specific component of every individual action undertaken by the agency. The additional description information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional description information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
12-9	Desert Tortoise Council	The comment provides a narrative summary of the status and trend of the population of the Mojave desert tortoise, including updated information on changes in population density, abundance, and habitat availability between 2004 and 2014, based on a 2018 study (Allison and McLuckie) that was not used to support the PA/EIS/EIR. The comment compares the updated information to the state, federal, and International Union for Conservation of Nature (IUCN) definitions of endangered species, and concludes that the status of the Mojave desert tortoise should be considered endangered. The comment requests that the information provided in their analysis be incorporated into the PA/EIS/EIR.	The BLM has acquired the additional reference, which was published in August 2018 (around the same time, if not after, publication of the Draft PA/EIS/EIR), and has incorporated the updated information into Final PA/EIS/EIR Appendix D (text that was previously in Section 3.4.1.1 of the Draft PA/EIS/EIR) and Section 4.4.6 (cumulative impacts to wildlife). The updated information will be considered by the BLM and the County in their final decision. The incorporation of updated information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional description information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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12-12	Desert Tortoise Council	The comment quotes text from PA/EIS/EIR subsection 2.3.4.1 regarding the potential need for clearance surveys for various species, “as necessary”. The comment requests the text be revised to more clearly describe who would decide whether such surveys are required.	<p>Appendix D of the Final PA/EIS/EIR contains information that describes survey requirements in detail.</p> <p>It is further worth noting that state law only prohibits take in the form of capturing and killing and thus does not require a take permit to undertake activities in areas where species might be present. It is not prudent to proceed without a permit under such circumstances and could result in significant project delays if take later becomes necessary, but an applicant can proceed at their own risk. In this case, the applicant would not be able to undertake the relocation and translocation activities authorized in the BO without a take permit from CDFW, but neither the substantive law nor the procedural requirements of NEPA and CEQA support a requirement to obtain the authorization.</p>
12-13	Desert Tortoise Council	The comment quotes text from PA/EIS/EIR subsection 2.3.4.1 regarding restoration of areas that have been disturbed by temporary construction activities. The comment requests that the associated habitat restoration plan be developed and provided for public review. The comment recommends following the Society for Ecological Restoration’s “Guidelines for Developing and Managing Ecological Restoration Projects.”	Please see Master Response 8.
12-14	Desert Tortoise Council	The comment quotes text from PA/EIS/EIR subsection 2.3.5 regarding soil stabilization and vegetation restoration of temporary disturbance sites. The comment requests that the associated habitat restoration plan be developed and provided for public review.	Please see Master Response 8.

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12-15	Desert Tortoise Council	The comment quotes text from PA/EIS/EIR subsection 2.3.6 regarding decommissioning, and which references a Draft Decommissioning and Site Reclamation Plan. The comment request that this plan be made available for public review.	Please see Master Response 8.
12-16	Desert Tortoise Council	The comment quotes text from PA/EIS/EIR subsection 2.3.6 stating that decommissioning is expected to take up to a year to complete. The comment states that this addresses only the decommissioning activity, and not the associated restoration. The comment requests that a time estimate for the restoration be provided.	Please see Master Response 8.
12-17	Desert Tortoise Council	The comment provides a list of various management plans to be developed, and request that they be made available for public review.	Please see Master Response 8.
12-18	Desert Tortoise Council	The comment cites PA/EIS/EIR text regarding compensation ratios for the desert tortoise. The comment cites the application area of 5,275 acres as the “project area”, implying that the compensation would be based on that acreage. The comment also states that indirect and cumulative effects would occur outside the 5,275 acre project area, and therefore should be used to expand the land area upon which compensation is based.	The agencies will consider potential impacts of the project, including indirect and cumulative impacts, in determining compensation requirements, in accordance with the NECO Plan.

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12-19	Desert Tortoise Council	The comment cites text from PA/EIS/EIR subsection 2.9.1 regarding the rationale for eliminating alternatives from detailed analysis, including an alternative being substantially similar in design, and having substantially similar effects, to an alternative that is analyzed. The comment states that the Proposed Action and the Resource Avoidance Alternatives are similar in design, and that the Resource Avoidance Alternative would have substantially similar effects to an alternative that is analyzed.	The rationale for the development of the various alternative footprints is provided in sections 2.4, 2.5, and 2.6 of the Draft PA/EIS/EIR. Please see Master Response 5b.
12-20	Desert Tortoise Council	The comment quotes text from PA/EIS/EIR subsection 2.9.2.1 regarding the criteria used to evaluate potential alternative sites. The comment evaluates each of the criteria, and concludes that the process was not an objective analysis, but was instead used to justify the Applicant's selection. The comment then states that this process resulted in the purpose and need being too narrowly focused on the Applicant's proposal, and not on other potential locations, including degraded lands or rooftops in load centers.	Please see Master Responses 5a and 5b.
12-21	Desert Tortoise Council	The comment requests that the PA/EIS/EIR include clarification of the type and extent of surveys used during biological surveys for the project.	The Draft PA/EIS/EIR, Section 3.4.1.1 Special-Status Wildlife Species, addresses and explains survey methods. More detailed information is provided in the Biological Resources Technical Report, provided in Appendix M.
12-22	Desert Tortoise Council	The comment quotes PA/EIS/EIR subsection 4.4.2, which states that no APMs specific to wildlife are proposed. The comment recommends that standard mitigation measures for the tortoise, as provided in DRECP, should apply to the project.	As discussed in both Draft PA/EIS/EIR subsection 4.3.2 and 4.4.2, the proposed APMs are general biological measures that protect both vegetation and wildlife. As such, they are only provided once, in the vegetation section, and are then not repeated in the wildlife section. But these measures do constitute standard measures for protection of wildlife, including the desert tortoise.

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12-23	Desert Tortoise Council	The comment quotes text from PA/EIS/EIR subsection 4.3.3.1 regarding measures to address introduction of invasive plants, and notes that the list of measures does not refer to Appendix J – Integrated Weed Management Plan. The comment requests that this information be added to the PA/EIS/EIR.	Section 4.3.3.1 of the Final PA/EIS/EIR has been revised to include the requested information. The clarification of the text is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
12-24	Desert Tortoise Council	The comment notes that the Draft Integrated Weed Management Plan addresses only construction and operations, and requests that it be amended to include decommissioning.	The Weed Management Plan will be updated upon final decision to reflect accurate project description, including addressing decommissioning.
12-25	Desert Tortoise Council	The comment notes that the current Draft Integrated Weed Management Plan addresses only species currently onsite, and methods specified in existing documents. The comment requests that the Plan be revised to address the potential for additional species in the future, and to incorporate newly developed methods. The comment also request that the Plan include ongoing monitoring for the life of the project.	APM-BIO-5, in Section 4.3.2 of the Draft PA/EIS/EIR, includes requirements to address the potential for additional species in the future, and to incorporate newly developed methods.
12-26	Desert Tortoise Council	The comment states that the PA/EIS/EIR does not include an analysis of the impact of site development on downstream runoff, including the delivery of water and sediment to plants located in downstream areas. The comment requests that this analysis be provided.	The results of modeling of stormwater flow and its effect on downstream areas are provided in Draft PA/EIS/EIR Sections 3.20.1.2, 4.7.4 (CEQA impacts GEO-10 and GEO-11), and 4.20.3.1 (pg. 4.20-11).

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12-30	Desert Tortoise Council	The comment states that the PA/EIS/EIR does not include mention of the potential for dust deposition on vegetation to impact pollination systems, increase invasive plant species, and affect growth rates, each of which can affect the availability of food for the desert tortoise. The comment request that these issues be discussed in the PA/EIS/EIR.	The potential for dust deposition to affect wildlife habitat is addressed in the “Wildlife Habitat” subsection of PA/EIS/EIR Section 4.3.3.1.
12-31	Desert Tortoise Council	The comment notes the increase in the number of vehicle trips on local roads, and requests that the PA/EIS/EIR be revised to include the impact of vehicles on the desert tortoise at the population (Chuckwalla), recovery unit, and species level. The specific impacts cited include vehicle strike, hindrance of animal movement, degradation of habitat quality, habitat loss, and subdivision of populations into smaller and more vulnerable units.	The Draft PA/EIS/EIR presents an analysis of project impacts to the desert tortoise in Section 4.4.3.1. That discussion addresses vehicle strikes, loss and degradation of habitat, the effects in invasive weeds, and increased predation.
12-32	Desert Tortoise Council	The commenter requests that the Raven Management Plan required by mitigation measures be expanded to include coyotes and other predators in a more comprehensive Predator Management Plan. The comment also requests that the PA/EIS/EIR analyze the extent of predator impacts at the population (Chuckwalla), recovery unit, and species level.	The text of mitigation measure WIL-5, including the title, has been updated to include language about other predators, such as coyotes. Measure outlined for ravens would also be applicable to coyotes. References to the Raven Management Plan have been revised to address a Predator Management Plan. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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12-33	Desert Tortoise Council	The comment requests that the temporary water ponds be covered in a manner that excludes ravens, but would not result in take of ravens and other migratory birds.	The Draft PA/EIS/EIR, Section 4.3.2 Applicant Proposed Measures, APM BIO-3. Construction-Related BMPs states that “Water required for construction purposes shall only be stored in retention ponds (equipped with wildlife exclusion fencing), or closed containers/structures”
12-34	Desert Tortoise Council	The comment requests that the Predator Management Plan include elimination of buildings, fences, or other vertical structures that can provide perches, elimination of water pooling on roofs and the ground, and monitoring throughout the life of the project to ensure continuing effectiveness.	Mitigation measure WIL-5: Raven Management Plan states that the Raven Management Plan shall include measures designed to: 1) minimize attracting and subsidizing ravens, 2) provide education to Project personnel, 3) remove raven nests and offending ravens, and 4) implement adaptive management.
12-35	Desert Tortoise Council	The comment states that Predator Management Plan should use the USFWS 2010 plan as a template, and that the Applicant should contribute to the regional raven management plan to mitigate the indirect and cumulative effects of the project.	Mitigation measure WIL-5: Raven Management Plan includes contributing to the USFWS Regional Raven Management Program.
12-36	Desert Tortoise Council	The comment reiterates the commenter’s concerns and recommendations for impacts to the tortoise due to increased vehicle traffic during operations. As with comment number 12-31 for construction, the comment requests that the PA/EIS/EIR be revised to include the impact of vehicles on the desert tortoise at the population (Chuckwalla), recovery unit, and species level.	Mitigation measure VEG-8 includes measures for vehicles during construction, including requiring that new roads and improvements of existing roads not extend beyond the flagged impact area, confining project vehicles to existing routes of travel to and from the Project site, and prohibiting cross country vehicle and equipment use outside designated work areas. The measure includes specific protection measures for the desert tortoise, including parking and storage within the area enclosed by Mojave desert tortoise exclusion fencing, measures prohibiting the movement of vehicles is tortoise are present, and applying 15 mph speed limits when traveling on dirt access routes within areas not cleared by protocol level surveys.

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12-37	Desert Tortoise Council	The comment reiterates the commenter's concerns and recommendations for impacts to the tortoise due to attraction of ravens during operations. As with comment numbers 12-32 through 12-34 for construction, the comment requests that the PA/EIS/EIR be revised to include analysis of the impact of predation on the desert tortoise at the population (Chuckwalla), recovery unit, and species level.	Mitigation measure WIL-5: Raven Management Plan states that the Raven Management Plan shall include measures designed to: 1) minimize attracting and subsidizing ravens, 2) provide education to Project personnel, 3) remove raven nests and offending ravens, and 4) implement adaptive management.
12-38	Desert Tortoise Council	The comment quotes text from the PA/EIS/EIR regarding cattle guards at project entrances. The comment states that cattle guards can trap tortoises, and request that a different method to exclude tortoises from the entrances be implemented.	BLM has considered this issue on this and past projects. Wildlife agencies have approved cattleguards as appropriate, their use is standard practice, and they have not been found to cause significant adverse impacts on tortoise.
12-39	Desert Tortoise Council	The comment states that, if an Authorized Biologist were to capture and relocate a tortoise outside of the project site, this action would require an Incidental Take Permit.	The potential need for an Incidental Take Permit is discussed in PA/EIS/EIR Section 1.5.5, and Table 1-2.
12-40	Desert Tortoise Council	The comment refers back to a previous comment (number 12-27), but does not include any additional information or requests.	See response to comment 12-27.

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12-43	Desert Tortoise Council	The comment states that the discussion of cumulative impacts to the desert tortoise is limited to a descriptive list of potentially impacting activities, but does not include analysis of impacts at the population (Chuckwalla), recovery unit, and species level. The comment lists eight principles of cumulative impact analysis from CEQ, and requests specific application of these eight principles in the PA/EIS/EIR, as well as a commitment by the Applicant to monitor the success of mitigation. The comment request that the PA/EIS/EIR be modified to specifically address these eight principles, and to include monitoring and adaptive management for the measures that affect the desert tortoise and its habitat.	<p>The analysis of cumulative impacts to desert tortoise in Draft PA/EIS/EIR Section 4.4.6 addresses each of the eight principles listed by the commenter, as follows:</p> <ol style="list-style-type: none"> 1. Past, present, and reasonably foreseeable future actions are defined in Table 4.1-1 2. The analysis includes direct and indirect effects, and all actions regardless of the party taking the action. 3. The analysis is specific to the resource in question. 4. The scope of the analysis is focused on impacts to which the project could contribute. 5. The geographic scope of the analysis is not based on political or administrative boundaries. 6. The analysis addresses synergistic effects. 7. The analysis addresses continuation of the effects following completion of the project. 8. The analysis addresses compensation and how it would contribute to long-term productivity.
12-44	Desert Tortoise Council	Based on the entirety of their comments, this comment requests that the agencies select the No Action Alternative.	The commenter's support for the No Action/No Project Alternative is acknowledged.
12-45	Desert Tortoise Council	The comment is conclusionary, thanking the agencies for the opportunity to review the document, and requesting that the Desert Tortoise Council be identified as an Affected Interest for this and all other BLM or Riverside County projects that may affect the desert tortoise.	The conclusion to the comment letter is acknowledged and does not require a specific response.
13-1	Oregon Council of Rock and Mineral Clubs	The comment objects to siting the project so close to Quartzite, Arizona, and states that the large project area would interfere with rockhounding areas.	The comment's objection to approval of a solar power facility at this location due to its proximity to Quartzite and rockhounding areas is noted, and will be considered by BLM and the County in their final decisions.

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14-1	Agua Caliente Band of Cahuilla Indians	The comment introduces the commenter, and requests that the County provide their office with updates and status reports as the project progresses.	The comment introduces the background and role of the commenter. The comment is acknowledged and does not require a specific response.
14-2	Agua Caliente Band of Cahuilla Indians	The comment cites mitigation measure CULTURAL-4, which states that BLM alone shall determine appropriate treatment for cultural resources. The comment requests that this be modified to reflect that BLM will determine the treatment in consultation with SHPO and the Tribes.	All three components of the mitigation measure specifically reference consultation to occur in the event of unanticipated discoveries. BLM added language to specify post review discoveries would be handled in accordance with 36 CFR 800.13.
14-3	Agua Caliente Band of Cahuilla Indians	The comment cites mitigation measure CULTURAL-6, which refers to a Tribal Observer. The comment requests that this be corrected to refer to Native American Monitor.	The mitigation measure specifically refers to the observer as a monitor designated by the Tribal representative. No change has been made.
14-4	Agua Caliente Band of Cahuilla Indians	The comment concludes the letter, and requests that the commenter be contacted if there are questions.	The conclusion to the comment letter is acknowledged and does not require a specific response.
15-1	Center for Biological Diversity	The comment introduces the commenter, and summarizes their general position on renewable energy and solar production, including the beneficial effects associated with global warming, and the adverse impacts to sensitive species and habitats.	The comment introduces the background and role of the commenter. The comment is acknowledged and does not require a specific response.
15-2	Center for Biological Diversity	The comment provides a summary description of the acreage and dimensions of the Proposed Action and alternatives.	The description of the project in the comment is accurate, and does not require a specific response.

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15-3	Center for Biological Diversity	The comment states that the PA/EIS/EIR does not provide the status of any power purchase agreements (PPAs)	The Applicant has not provided the details of any PPA, but has provided substantial information regarding challenges and economic uncertainties associated with reducing the output of the project. Nevertheless, both BLM and the County have considered a Reduced Project Alternative (Alternative 3) that would not meet the Applicant's objective of 450 MW.
15-4	Center for Biological Diversity	The comment states that the PA/EIS/EIR does not describe the amount of energy storage that would be provided by the battery storage units.	Additional information regarding the ESSs has been added to Section 2.3.3.2 of the Final PA/EIS/EIR. The additional description information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional description information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
15-5	Center for Biological Diversity	The comment states that, based on new land use plans and additional data generated since the original right-of-way (ROW) was filed in 2007, this project is ill-placed on the landscape and should either be reduced in size to avoid impacts to resources, or be denied.	The comment's objection to approval of a solar power facility at this location due to its large scale is noted, and will be considered by BLM and the County in their final decisions.
15-6	Center for Biological Diversity	The comment states that the PA/EIS/EIR does not meet NEPA or CEQA requirements because it fails to disclose all significant impacts of the project on desert tortoise, Mojave fringe-toed lizard, rare plants, and other biological resources, fails to address significant cumulative impacts, and does not consider a reasonable range of alternatives.	Each of these issues is addressed in the Draft PA/EIS/EIR. Significant impacts on desert tortoise, Mojave fringe-toed lizard, and other wildlife are addressed in Section 4.4. Significant impacts on rare plants and other vegetation resources are addressed in Section 4.3. Significant cumulative impacts to each resource are addressed in each resource section in Chapter 4. Please see Master Response 5a for information on the range of alternatives.

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15-7	Center for Biological Diversity	The comment states that the PA/EIS/EIR fails to fully examine the impact of the proposed plan amendment to the CDCA Plan and other newly adopted plan amendments. The comment states that the adjacent transmission and nearby industrial-scale projects were implemented in an area that should have been protected to achieve the goals of the NECO Plan, and have resulted in unanticipated take of species and significant impacts to cultural resources. The comment states that the subsequent plan amendments should be applied to all new projects in the project area, and that the requirements of those plans should be considered to avoid, minimize, and mitigate impacts under CEQA.	Please see Master Response 4.
15-8	Center for Biological Diversity	The comment states that the PA/EIS/EIR should consider an alternative that further reduces the acreage to meet the megawatt requirement specified in the PPA, and an alternative for 450 MW of distributed PV generation in close proximity to load centers.	Please see Master Response 5b.
15-9	Center for Biological Diversity	The comment states that the PA/EIS/EIR fails to identify and discuss the applicable NECO Plan guidance and does not discuss how the Proposed Action and alternatives comply with DRECP. The comment cites text on Page 1-11 that states that the Reduced Project Alternative applies some of the Conservation and Management Actions (CMAs) from DRECP, but does not identify which ones.	Please see Master Response 4. The specific CMAs addressed by each alternative are described in Appendix E.

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15-10	Center for Biological Diversity	The comment is an introduction to the detailed comments made in the letter.	The introduction to the specific comments is acknowledged and does not require a specific response.
15-11	Center for Biological Diversity	The comment summarizes text from FLPMA that designated the CDCA, and quotes associated text regarding the protection of resources and prevention of unnecessary and undue degradation of the lands. The comment quotes the purpose and need statement from the PA/EIS/EIR, and refers to that quote as the proposed plan amendment. The text the PA/EIS/EIR should have considered other plan amendments.	The comment confuses the statement of the purpose and need with the scope of the proposed plan amendment. The purpose and need reiterates BLM's responsibility to consider a legally submitted ROW application, while the associated plan amendments are the changes that would need to be made to the CDCA Plan if the ROW application were to be approved. The purpose and need is presented in subsection 1.3.1 of the Draft PA/EIS/EIR, while the consistency and conformance of the proposed ROW with all elements of the CDCA Plan and its amendments, including the Western Solar Plan, DRECP, and NECO are addressed in subsection 1.6. The evaluation of the application is not required to consider plan amendments other than those that are needed to conform to the current plan and its amendments.
15-12	Center for Biological Diversity	The text states that, even though the project is grandfathered under the Western Solar Plan and DRECP, the PA/EIS/EIR still does not fully address the project under the regulatory framework of the CDCA Plan and NECO that was in place at the time of the original application in 2007.	Please see Master Response 4.
15-13	Center for Biological Diversity	The comment discusses impacts to desert tortoise and desert tortoise habitat associated with off-road vehicle (ORV) use, and states that these impacts should be included in the analysis of cumulative impacts. The comment also states that the PA/EIS/EIR should evaluate an additional plan amendment to further restrict ORV use in DWMAs, and should provide monitoring of all existing route closures.	Please see Master Response 5a.

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15-14	Center for Biological Diversity	The comment cites text on PA/EIS/EIR Page 4.4-7, which states that it may not be feasible to fully mitigate for impacts to the Mojave fringe-toed lizard, and that potential compensatory measures, such as weed control, are not adequately defined.	The statement that impacts to the Mojave fringe-toed lizard may not be fully mitigated was disclosed on page 4.4-7 of the Draft PA/EIS/EIR.
15-15	Center for Biological Diversity	The comment cites goals and management principles in the CDCA Plan, with a focus on text that requires BLM to consider if alternative locations are available that would meet the Applicant's needs without the need for a plan amendment, and states that the lack of any site alternatives in the PA/EIS/EIR fails to comply with this requirement.	Please see Master Response 5a.
15-16	Center for Biological Diversity	The comment cites CDCA Plan text regarding minimization of the numbers of ROWs, considering alternatives, and avoiding sensitive resources, and states that, because avoidance of sensitive sand habitats is clearly possible, it should be required.	Please see Master Response 4 for information with respect to plan conformance, and Master Response 6a for information with respect to sand habitat.

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15-17	Center for Biological Diversity	The comment cites text NECO regarding avoidance and mitigation of impacts to Wildlife Habitat Management Areas (WHMAs), sand and playa areas, and Mojave fringe-toed lizard. The comment states that the project overlies the Mule Mountain WHMA, and does not consider project alternatives that would avoid or adequately mitigate impacts.	Figure 3.4-10 of the PA/EIS/EIR shows that the project application area overlaps a small portion of the edge of the multi-species WHMA at the existing Colorado River Substation (CRSS), which is situated entirely within the WHMA. All existing projects, and any future projects, which connect to the CRSS will impact a portion of the WHMA in this area. The resources emphasized under WHMAs are addressed in detail in the Draft PA/EIS/EIR. See Sections 3.3.1.2 (Sand Dunes) and 4.3.3.1 (Native Vegetation Alliances) for an analysis of the effects of the Project on dunes and sensitive vegetation communities. See Sections 4.3.3 and 4.4.3 for analysis of impacts to special-status plant species, including desert tortoise, MFTL, and Harwood's eriastrum. Subsection 4.4.6 analyzes cumulative effects to habitat connectivity and wildlife movement. For these reasons, the Draft PA/EIS/EIR properly addresses effects on the WHMA designations and the values they protect.
15-18	Center for Biological Diversity	The comment cites text from the CDCA Plan regarding the intended uses of Multiple-Use Class (MUC) Moderate Use (MUC-M) lands, including resource conservation, and states that the high-intensity, single use of more than 3,600 acres for the Proposed Action is not consistent with these uses. The comment acknowledges that the PA/EIS/EIR consider alternative project configurations that avoid impacts to some resources, but that the Proposed Action has the greatest impact on resources, and therefore does not reach the controlled balance required for MUC-M lands in the CDCA Plan. The comment also states that the PA/EIS/EIR does not consider the impacts that would occur in other areas due to the displacement of activities from the project areas.	Please see Master Response 4. The impacts associated with displacement of onsite recreational activities are discussed in Draft PA/EIS/EIR Section 4.14.3.1.

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15-21	Center for Biological Diversity	The comment cites multiple legal opinions to reiterate the NEPA requirements for the level of detail of information and impact analyses, making information available to the public, and ensuring the accuracy of information used in the analysis. The comment does not provide any specific observations regarding the PA/EIS/EIR.	Since the comment is general in nature, it does not require a specific response.
15-22	Center for Biological Diversity	The comment cites legal opinions to argue that BLM’s purpose and need and proposed plan amendments are too narrowly construed to the project itself, and therefore do not provide a framework to consider meaningful alternatives. The comment requests that the purpose and need be revised, additional alternatives be developed, and the PA/EIS/EIR be recirculated.	Please see Master Response 5a.
15-23	Center for Biological Diversity	The comment objects to alignment of the County’s objectives and the Applicant’s objectives, which form the basis for the purpose and need for the CEQA Proposed Project. The comment cites the Applicant’s objective of a project that generates 450 MW, and states that there is no reason that this should be an objective for the County. The comment states that the County must address feasible alternatives that would be small, avoid significant impacts to resources.	Please see Master Response 5a.
15-24	Center for Biological Diversity	The comment states that, if the County chooses to consider financial feasibility or availability of financing as part of the objectives, then the PA/EIS/EIR must discuss subsidies that may or may not be available in the future.	The availability of subsidies is not listed as one of the County or Applicant objectives in Draft PA/EIS/EIR Section 1.3.2, and the Applicant has not indicated that the project could be infeasible if subsidies were not available.

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15-25	Center for Biological Diversity	The comment states that the project objectives focus on climate change mitigation through reduction of greenhouse gas emissions, and do not address climate change adaptation strategies. The comment states that the project's impacts on sand transport, dunes, habitat, wildlife corridors, major washes, and other fragile resources undermine a meaningful climate change adaption strategy.	<p>The purpose and need of the Draft PA/EIS/EIR responds to the application, which addresses one component of climate change (GHG emissions). The Draft PA/EIS/EIR also addressed potential impacts of climate change on the Project in Section 4.8.4, including the potential for climate change to result in an increase in hazards, fugitive dust, and impacts to other resources. Strategies to address other components of climate change (adaptation) have been considered in other BLM planning actions, including DRECP. No conflicts have been found between the Project and the 2009 California Climate Change Adaptation Strategy.</p> <p>The preferred alternative does not have any impacts on major washes, or washes of any nature. As shown in Table 4.3-2, the collective impact under Alternatives 2 and 3 is less than 0.4 acres, which is made up of multiple abandoned channels that are not waters of the US, and may not be waters of the state is still being analyzed. There are no impacts to "major washes."</p>
15-26	Center for Biological Diversity	The comment states that the PA/EIS/EIR fails to obtain additional data where needed to address incomplete or insufficient information, and fails to discuss reasonable mitigation measures for likely impacts.	The comment is general in nature, and does not describe any specific missing information or incomplete analyses. The comment does not require a specific response.
15-27	Center for Biological Diversity	The comment states that the PA/EIS/EIR fails to identify that the project overlaps with the Mule Mountain WHMA, and thus fails to conform with NECO.	See response 15-17.

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15-28	Center for Biological Diversity	The comment cites studies stating that the population of desert tortoises in the Eastern Colorado Recovery Unit continues to decline, and states that the identification of tracks during protocol surveys indicates that the project site is occupied habitat. The comment states that the PA/EIS/EIR fails to identify and consider the impact of the loss of 3,750 acres of occupied habitat on the recovery unit.	The impact of the project on the Colorado Desert Recovery Unit is quantified in the Draft PA/EIS/EIR in Table 4.4-5, and discussed in Section 4.4.6. Table 3.4-1 discloses that the project area is classified as Class III desert tortoise habitat.
15-29	Center for Biological Diversity	The comment cites PA/EIS/EIR text regarding translocation of desert tortoise, and requests clarification of the plan to be implemented if fewer than six tortoises are identified in clearance surveys. The comment also cites studies of the efficacy of translocation at other sites, and requests that the translocation plan be made available for public review as part of the Draft PA/EIS/EIR.	The text of mitigation measure WIL-2 specifies the approach to be followed if one to five tortoises are identified. The risks of translocation are addressed in Draft PA/EIS/EIR Section 4.4.3.1, on page 4.4-6. Please see Master Response 8 for information on plans not yet completed. As discussed on Draft PA/EIS/EIR page 4.4-6, specific components of the translocation plan will be addressed through Section 7 consultation, which has been initiated.
15-30	Center for Biological Diversity	The comment requests that mechanisms be provided to ensure that compensatory mitigation lands for desert tortoise and other species be protected in perpetuity. The comment does not recommend specific mechanisms.	The specific requirements for the lands acquired for compensatory mitigation are described in mitigation measure WIL-4. WIL-4 specifies that compensation lands be located within the Chuckwalla Critical Habitat Unit, if possible, and outside of a DFA.
15-31	Center for Biological Diversity	The comment states that the PA/EIS/EIR fails to consider both short-term and long-term effects on the desert tortoise.	Tables 2-4, 2-5, and 2-6 of the Draft PA/EIS/EIR specifically describe both short-term and long-term affected areas.
15-32	Center for Biological Diversity	The comment states that the proposed 1:1 mitigation ratio for desert tortoise is inadequate, and should be a minimum of 2:1. The comment also states that the acquired habitat must provide connectivity to the population on the project site.	Consistent with the NECO Plan and requirements for other nearby solar projects, the compensation ratio outside of critical habitat will be 1:1.

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15-33	Center for Biological Diversity	The comment states that compensatory mitigation lands for desert tortoise be secured for tortoise conservation in perpetuity.	Please see Response 15-30.
15-34	Center for Biological Diversity	The comment acknowledges that the Resources Avoidance Alternative and the Reduced Project Alternative reduce impacts to the sand migration areas, but does not develop and analyze an alternative that completely avoids the sand migration areas. The comment also states that the PA/EIS/EIR fails to quantify impacts to the sand migration zones.	Please see Master Response 5a. No alternative could completely avoid impacting this habitat because the only way to access the substation is through the zone.
15-35	Center for Biological Diversity	The comment cites the Mojave fringe-toed lizard mitigation requirements for other projects, including mitigation ratios (5:1 for some projects) and requirements for a Mojave Fringe-toed Lizard Protection Plan. The comment states that the PA/EIS/EIR does not explain why these are not required for the DQSP. In addition, the comment states that additional mitigation for indirect impacts is warranted due to project interference with downwind transport of sand to other Mojave fringe-toed lizard habitat.	As stated in mitigation measure WIL-10, the 3:1 compensation ratio is required by the NECO Plan. While no specific MFTL protection plan is identified in the mitigation measures, MFTL protection and various wildlife impact avoidance requirements identified in other mitigation measures will serve the same purpose. Please see Master Response 5b for a discussion of the potential for impacts to transport of sand to MFTL habitat.
15-36	Center for Biological Diversity	The comment cites text on PA/EIS/EIR Page 4.4-7, which states that it may not be feasible to fully mitigate for impacts to the Mojave fringe-toed lizard, and states that this is a reason to either consider project alternatives that avoid sand movement zones, or select the No Action Alternative.	Please see Master Response 5a regarding the potential for project alternatives to avoid sand movement zones. The BLM and County will consider the ability to fully mitigate impacts in the final decisions.

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15-39	Center for Biological Diversity	<p>The comment cites the status of the Ridgway’s clapper rail, and identifies the project area as being not only on the Colorado River flyway used by the species, but also between the core populations at the Lower Colorado River and the Salton Sea. The comment states that the PA/EIS/EIR fails to analyze impacts to the species.</p>	<p>As stated in Draft PA/EIS/EIR Section 3.4.1.1, discussions are presented for special-status species which were detected, there was evidence of occurrence, or they are likely to occur. Also, the text states that discussions of some special-status species detected during general inventories (such as migratory birds) are grouped. Table 4 of the Biological Resources Technical Report (Appendix M) cites the potential for the presence of the Yuma clapper rail to be low. As a result, this species is included within the general discussion of impacts to migratory birds in Section 4.4.3.1.</p> <p>Please see Master Response 7. In response to this comment, BLM reviewed the most recent data on mortalities of Yuma clapper rails at solar projects in the region, as well as recent studies of the dispersal of the Yuma clapper rail in the project area (Harrity and Conway 2017a; 2017b; 2017c; 2017d). These additional reports do not provide any evidence that the potential for the presence of the Yuma clapper rail at the project is anything other than low. This conclusion is consistent with USFWS’s analysis of other solar projects, including the Blythe Solar Power Project (Letter from USFWS to BLM dated July 30, 2014 concurring with BLM’s “determination that the proposed project may affect, but is not likely to adversely affect the Yuma clapper rail”) and the Sunshine Valley Solar Project (Letter from USFWS to Applicant dated February 5, 2018 recognizing that the risk of a solar project located eight miles from occupied YRR habitat “[i]s unquantifiably low and therefore discountable.”</p>

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15-40	Center for Biological Diversity	The comment objects to the use of pre-project avian surveys to identify all potentially impacted bird species, and instead cites reports from local bird “hotspots” to recommend that the PA/EIS/EIR analyze additional species. The comment discusses the problems associated with using point-count surveys, and also cites literature describing additional mechanisms for impacts that are not discussed in the PA/EIS/EIR.	Please see Master Response 7. The BBCS implemented for the Project will address protocols for monitoring these issues.
15-41	Center for Biological Diversity	The comment cites the observation of a willow flycatcher reported in the BRTR, and states that impacts to the willow flycatcher (a state-listed endangered species) and southwestern willow flycatcher (federally endangered species) should be considered, based on this report.	As stated in Draft PA/EIS/EIR Section 3.4.1.1, discussions are presented for special-status species which were detected, there was evidence of occurrence, or they are likely to occur. Also, the text states that discussions of some special-status species detected during general inventories (such as migratory birds) are grouped. As shown in Table 4 of the Biological Resources Technical Report (Appendix M), the potential for the presence of both the willow flycatcher and southwestern willow flycatcher is low. In particular, no Southwestern willow flycatchers, the federally listed subspecies, have been observed on any solar projects. Use of other species of willow flycatchers as a proxy for the Southwestern willow flycatchers is scientifically flawed because other subspecies have different migration patterns and seasons and migrate in different numbers. This species is included within the general discussion of impacts to migratory birds in Section 4.4.3.1, and BLM consulted with USFWS on the potential for impacts to the Southwestern willow flycatcher, and thus sufficiently considered potential impacts..

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15-42	Center for Biological Diversity	<p>The comment notes that burrowing owl mitigation is focused on a Burrowing Owl Mitigation Plan, required in mitigation measure WIL-9, that has not been provided for public review. Although the comment acknowledges that burrowing owl mitigation (passive relocation) and compensation (6.5 acres per pair or individual) are based on the CDFW 2012 guidance, it states that this guidance is no longer based on more recent data and research. As a result, the comment requests that BLM and the County work with USFWS to develop statistically useful monitoring of the relocation program. The comment also states that the PA/EIS/EIR fails to define the number of impacted territories, so the effectiveness of nesting compensation lands with that for other impacted species cannot be evaluated. The comment also requests that compensation lands be located on undisturbed land, as opposed to previously cultivated land.</p>	<p>Section 4.4.3.1 of the Draft PA/EIS/EIR, page 4.4-9, states that four occupied burrows were identified in the Study Area, with only one within the project footprint. Therefore, it is assumed that the site represents no more than four territories. However, burrowing owl occurrence and territories are not static, and the actual number of occupied burrows and territories may be different at the time of project construction. As a result, the burrowing owl mitigation is designed to scale to the actual number of burrowing owls impacted at the time of construction. The compensation ratio is based on the most current CDFW guidance (2012), but the habitat compensation associated with the desert tortoise and MFTL, which would encompass a much larger area, would also likely serve as habitat for burrowing owls. In combination, the habitat compensation, avoidance of take, and other measures identified in the PA/EIS/EIR suitably mitigate the project's potential impacts to burrowing owl.</p>
15-43	Center for Biological Diversity	<p>The comment summarizes information on an outbreak of canine distemper virus (CDV) in the area associated with the Genesis solar project, and requests that these observations be incorporated into requirements for the project. The comment states that the Kit Fox Management Plan required as part of mitigation measure WIL-8 was not provided for public review, nor was a Kit Fox and Badger Translocation Plan.</p>	<p>Mitigation measure WIL-9, subpart g), specifies measures designed to address the potential for outbreak of CDV. Please see Master Response 8 with respect to the timing of management plans.</p>

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15-44	Center for Biological Diversity	The comment states that the PA/EIS/EIR does not include a map of the extent of cryptobiotic crusts in order to support an analysis of the extent of impacts, and does not present any avoidance or minimization measures.	The impacts associated with the removal of biological crusts are addressed in Draft PA/EIS/EIR Section 4.2.3.1 (increase in fugitive dust emissions) and 4.3.1 (slow recovery rates). It is assumed the biological crusts may be present throughout the project area, so no specific mapping of their locations is necessary, and avoidance is not feasible. Impacts to biological crusts are addressed through mitigation measures that minimize ground disturbance and vegetation removal, and stockpiling of topsoil, including VEG-8. Please see Master Response 2 for additional information on minimization of ground disturbance.
15-45	Center for Biological Diversity	The comment states that the PA/EIS/EIR does not identify whether there are any desert pavements onsite.	Draft PA/EIS/EIR Section 3.3.1 describes the location of desert pavement within the project area. Desert pavement was identified within the overall Study Area, but is not found within the project footprint. Mitigation measure AQ-2 requires avoidance of desert pavement, if any is identified during construction.
15-46	Center for Biological Diversity	The comment states that the PA/EIS/EIR does not discuss whether surveys or evaluations for insect species were performed, and therefore does not evaluate potential impacts to insect species.	No insect surveys were conducted for the project because there were no special-status insects reported in the data compilations reviewed for this analysis (DEIS/EIR Table 3.4-1. Special-Status Wildlife Species Evaluated for Potential Occurrence within the Study Area).
15-47	Center for Biological Diversity	The comment states that a reclamation bond needs to be tied to specific revegetation criteria, but argues that the revegetation criteria specified in NECO are not sufficient. The comment also requests that the Decommissioning and Site Restoration Plan and cost estimate for decommissioning be included in a revised PA/EIS/EIR for public review.	Please see Master Response 8.

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15-48	Center for Biological Diversity	The comment cites fires having occurred at the Topaz solar project in San Luis Obispo County as evidence for potential fire hazards during operations. The comment acknowledges that the PA/EIS/EIR addresses fire risks during construction, but should address these potential impacts during operations. The also states that the PA/EIS/EIR does not propose any avoidance or mitigation measures in the case of fire escaping onto adjacent lands.	Fire hazards during operations are addressed in Draft PA/EIS/EIR section 4.21.3.1. Section 2.3.7.3 describes measures proposed to avoid fire, and section 4.21.3.1 states that BLM would be the first responder to wildland fires beyond the project area. The environmental conditions at the DQSP are far different than those at the Topaz Solar Farm, which is hundreds of miles away. In addition, DQSP will use newer-generation panels that have been enhanced to more effectively prevent overheating.
15-49	Center for Biological Diversity	The comment states that, because the PA/EIS/EIR failed to identify and analyze impacts, it therefore also failed to identify and evaluate the efficacy of proposed mitigation. The comment does not specifically discuss resources, impact analysis, or proposed mitigation that the commenter deems to be insufficient.	The comment is general in nature, does not describe any specific missing information or incomplete analyses, does not require a specific response.
15-50	Center for Biological Diversity	The comment provides a list of management plans that are cited as requirements in various mitigation measures, but which were not included with the Draft PA/EIS/EIR for public review.	Please see Master Response 8.
15-51	Center for Biological Diversity	The comment specifies additional management plans (Sand Dune/Fringe-Toed Lizard, Fire, and Compensatory Mitigation Plan for State Waters) that should be required, and made available for public review with a revised Draft PA/EIS/EIR.	Please see Master Response 8.
15-52	Center for Biological Diversity	The comment states that the PA/EIS/EIR does not adequately address the impact of the project on surface water flow and associated habitat.	The results of modeling of stormwater flow and its effect on downstream areas are provided in Draft PA/EIS/EIR Sections 3.20.1.2, 4.7.4 (CEQA impacts GEO-10 and GEO-11), and 4.20.3.1 (pg. 4.20-11).

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15-53	Center for Biological Diversity	The comment summarizes the proposed use of water during construction and operations, and quotes text from the PA/EIS/EIR (Page 2-11) stating that the feasibility of providing this water through onsite wells has not been verified. The comment also states that the analysis of the effect of the drawdown of groundwater on surface water resources, including the contribution to cumulative impacts, is not sufficient.	Please see Master Response 9.
15-54	Center for Biological Diversity	The comment cites several situations in which water rights are assigned to the federal government, including wilderness areas, national monuments, and lands affected by Public Water Reserve 107. The comment states that the PA/EIS/EIR fails to identify areas where federal reserved water rights exist, and therefore does not adequately analyze impacts to water resources and ecological resources on those lands.	Please see Master Response 9.
15-55	Center for Biological Diversity	The comment states that the PA/EIS/EIR should be explicit in ensuring that authorization for the project does not create or convey any water rights to the applicant that can be transferred to third parties, and that the Applicant will not use the water for any offsite purposes.	Please see Master Response 9. The issue of water rights created by the use of groundwater by the project would be an administrative action taken at the time of project permitting.
15-56	Center for Biological Diversity	The comment cites the discussion of the alternative water source (water truck deliveries) from Page 2-11 of the PA/EIS/EIR, and states that the PA/EIS/EIR does not provide any analysis of the water truck deliveries.	Please see Master Response 9. As discussed in Section 4.2 of the Air Quality and Greenhouse Gas Technical Study (Appendix W), the analysis includes the carbon footprint of water truck deliveries.

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15-57	Center for Biological Diversity	The comment states that the PA/EIS/EIR does not adequately address how groundwater extraction would affect groundwater rights in the Colorado River Basin, and that the Monitoring and Mitigation Plan is not available for public review.	Please see Master Responses 8 and 9.
15-58	Center for Biological Diversity	The comment cites the disturbance of desert pavement and cryptobiotic crusts, and observation of dust storms near Mule Mountain, and states that the PA/EIS/EIR does not adequately address the impact of the project on PM ₁₀ emissions.	Please see Master Responses 1 and 2.
15-59	Center for Biological Diversity	The comment states that the analysis of cumulative impacts is inadequate. The deficiencies include failure to consider proposed projects in the cumulative impact analysis, an incomplete analysis of direct and indirect impacts resulting in a cumulative analysis that is also inadequate, a failure to consider reasonably foreseeable impacts, and a failure to consider how cumulative impacts from multiple could combine. The comment cites the lack of an analysis to insect species, desert tortoise, Mojave fringe-toed lizard and sand dune ecosystems, golden eagles, surface hydrology, water resources, and air quality.	The cumulative impacts analysis in the Draft PA/EIS/EIR specifically lists and addresses the impacts of proposed and reasonably foreseeable future projects as follows: air emissions (Tables 4.2-11 and 4.2-12), vegetation (Table 4.3-4), wildlife (Table 4.4-5), hazardous materials (Section 4.9.6), land use (Section 4.10.6), noise (Section 4.12.6), recreation (Section 4.14.6), socioeconomics (Table 4.15-3), traffic (Section 4.17.6), visual resources (Section 4.19.6), and water resources (Section 4.20.6). See comments specific to insects, desert tortoise, MFTL, sand deposits, golden eagles, surface water flow, and groundwater for detailed responses to comments on those subjects.

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15-60	Center for Biological Diversity	The comment states that the range of alternatives analyzed in the PA/EIS/EIR is inadequate, and is incorrectly constrained by the narrow purpose and need. The provides examples of alternatives that should have been evaluated in detail, including alternatives that avoid the sand transport corridor and stabilized sand habitats, a distributed PV alternative, a phased alternative, alternative sites on degraded lands, and any offsite alternative. The comment also stated that alternatives should include other non-generation measures to reduce GHG emissions, including energy conservation and efficiency projects.	Please see Master Responses 5a and 5b.
15-61	Center for Biological Diversity	The comment acknowledges that the project is grandfathered from the specific requirements of DRECP, but the PA/EIS/EIR still fails to evaluate the impact of the project on the goals of the DRECP.	Please see Master Response 4.

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16-4	California Department of Fish and Wildlife	The comment summarizes CDFW’s authority associated with review and approval of the project.	The comment introduces the background and role of the commenter. The comment is acknowledged and does not require a specific response.
16-5	California Department of Fish and Wildlife	The comment introduces the project specific comments and recommendations.	The introduction to the specific comments is acknowledged and does not require a specific response.
16-6	California Department of Fish and Wildlife	The comment cites the CDFW Staff Report on Burrowing Owl Mitigation (2012), and recommends specific procedures to be followed during focused surveys.	Mitigation measure WIL-9 specifically cites the CDFW 2012 Staff Report, and incorporates the recommendations made in the comment.
16-7	California Department of Fish and Wildlife	The comment recommends specific procedures to be followed during desert tortoise surveys.	Mitigation measure WIL-1 specifies the procedures to be used for desert tortoise clearance surveys, and incorporates the recommendations made in the comment.
16-8	California Department of Fish and Wildlife	The comment recommends that pre-construction surveys for kit fox be conducted, and recommends specific procedures to be followed during the surveys.	Mitigation measure WIL-8 specifies the procedures to be used for kit fox surveys, and incorporates the recommendations made in the comment.
16-9	California Department of Fish and Wildlife	The comment summarizes the regulations applicable to nesting birds, including MBTA and the Fish and Game Code. The comment recommends specific procedures to be followed during nesting bird surveys, and proposes additional Project-specific mitigation measures to be considered.	Mitigation measure WIL-7 specifies the procedures to be used for nesting bird surveys, and incorporates the recommendations made in the comment.

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16-10	California Department of Fish and Wildlife	The comment summarizes CDFW’s regulatory authority under the Lake and Streambed Alteration Program. The comment notes that the PA/EIS/EIR refers to some channels as “not considered to be potentially subject to Fish and Game Code jurisdiction”, and requests that “impacts of the project footprint on the streams in the project area” be described. The comment also provides specific information that should be provided in the notification.	The comment that the State Jurisdictional Delineation Report in Appendix N states that abandoned channels are not considered to be subject to CDFW jurisdiction is noted. Footnote 2 of Table 3.3-4 in the Draft PA/EIS/EIR Section 3.3.1.4 states that these channels are considered to be potentially subject to CDFW jurisdiction at this time, pending a final determination by CDFW. Impacts of the project footprint on the streams in the project area are described in Draft PA/EIS/EIR Section 3.3.1.4. The Applicant will be required to comply with all CDFW section 1602 notification requirements.
16-11	California Department of Fish and Wildlife	The comment states that, because the project would impact fish and/or wildlife, assessment of filing fees is necessary.	The comment is noted, and does not require a specific response.
16-12	California Department of Fish and Wildlife	The comment concludes the letter, and requests that the commenter be contacted if there are questions.	The conclusion to the comment letter is acknowledged and does not require a specific response.
17-1	California Native Plant Society	The comment summarizes the acreage of the project on BLM land and on former agricultural private land. The comment specifies that, because the BLM land is undisturbed, the commenter is particularly concerned about impacts on BLM land. The comment also states that habitat for rare plants still exists within the private parcel.	The distribution of special-status plants on BLM lands and the private parcel are discussed in Draft PA/EIS/EIR Section 3.3.1.3. The preference for an alternative on previously disturbed lands is noted. Please see Master Response 5b.

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17-2	California Native Plant Society	The comment cites specific text within Executive Order (EO) B-55-18. The EO outlines measures for the state to accomplish carbon neutrality as required by Senate Bill (SB) 100, but specifies that this should be implemented in a manner that supports climate adaptation, biodiversity, water supply, water quality, and native plants and animals. The comment recommends that the impacts to these resources associated with the DQSP should be minimized, consistent with the “tenor” of EO B-55-18	<p>The specific resource topics are addressed throughout the Draft PA/EIS/EIR, including vegetation (Sections 3.3 and 4.3), wildlife (3.4 and 4.4), and water supply and quality (3.20 and 4.20). Section 4.8.3.1 includes a discussion of the loss of carbon sequestration, which discloses the fact that this feature of the project would reduce the GHG reduction benefits of the project (787,500-2,250,000 MT CO₂e) by 5,670 MT CO₂e. The analysis concludes that the impacts of the Project on resources identified in EO BB-55-18 will not be significant (with mitigation, where required).</p> <p>To the extent that the comment intends to suggest that the analysis is inadequate because it does not demonstrate that the Project is consistent with EO B-55-18, the Order was adopted after the comment period on the draft EIS/EIR commenced and failure to consider the Project’s consistency with the Order does not constitute an infirmity. The EIS/EIR sufficiently informed the public, based on the information available at the time, about the Project’s consistency with California’s climate change goals. CEQA furthermore does not require a demonstration that the proposed action is consistent with subsequently adopted land use plans and policies. The EIR need only discuss inconsistencies with clear, mandatory plan requirements. EO B-55-18 does not establish such policies and even if it did, the analysis in the EIR, having determined that the Project’s impacts on relevant resources will not be significant, is consistent with the objectives of EO B-55-18 to ensure that the development of renewable energy resources takes into account both the benefits and the costs of such projects.</p>
17-3	California Native Plant Society	The comment summarizes the mission of the CNPS.	The comment introduces the background and role of the commenter. The comment is acknowledged and does not require a specific response.

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17-4	California Native Plant Society	The comment summarizes the CNPS rare plant rank and project occurrence information for six plants of interest to the commenter, as an introduction to more detailed comments on each.	The introduction to the specific comments is acknowledged and does not require a specific response.
17-5	California Native Plant Society	The comment cites the exemption of the project from the DRECP CMAs, and states that the CMAs are necessary to avoid impacts. The comment specifically cites CMA LUPA-BIO-PLANT-2 regarding 0.25 mile setbacks for the Harwood's eriastrum.	<p>Appendix E of the Draft PA/EIS/EIR provides a detailed analysis of how each of the project alternatives conforms to the CMAs. Section 1.6.2 discusses how the Reduced Project Alternative (Alternative 3) was specifically designed to address the CMAs, including LUPA-BIO-PLANT-2 cited in the comment. The protections provided by CMAs, and the conformance of the project with CMAs, are specifically mentioned throughout the Draft PA/EIS/EIR, where appropriate. Examples include Section 3.3.1.1 (microphyll woodlands) and Sections 3.4.1.2 and 4.4.6 (wildlife corridors).</p> <p>The EIS/EIR properly concludes that the Project will not have a significant effect on Harwood's eriastrum. The BLM preferred/environmentally superior alternative (Alternative 2) and Alternative 3 completely avoid Harwood's eriastrum in the solar array portion of the development and will only have impacts along the gen-tie line, which is already developed with a road and multiple transmission lines of similar design, yet still provides habitat for the species. The comment accordingly does not provide any evidence that the impacts of the project on Harwood's eriastrum will in fact be significant under CEQA or NEPA.</p>

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17-6	California Native Plant Society	The comment summarizes occurrence information for the Harwood's eriastrum under each alternative. The comment notes that Alternatives 2 and 3 place solar arrays immediately adjacent to known locations, and requests a re-design that implements the 0.25 mile setback specified in CMA LUPA-BIO-PLANT-2	As discussed in Appendix E, the conformance of the alternatives with LUPA-BIO-PLANT-2, the solar array for Alternative 3 does implement the 0.25 mile setback for the Harwood's eriastrum, and Alternative 2 does as well except for one isolated occurrence.. However, because the CDCA Plan-approved utility corridor coincides with occurrences of the Harwood's eriastrum, implementation of a setback for the gen-tie line is not feasible. Existing development in this corridor, however, demonstrates that transmission line projects are not wholly incompatible with the species.
17-7	California Native Plant Society	The comment discusses the global distribution of Harwood's milkvetch, and states that the project area is centrally located within the limited area of habitat. The comment states that impacts in this central location present a threat to the species. The comment also cites inconsistencies between Figure 3.3-3 of the PA/EIS/EIR and Figure 10 of Appendix M (the BRTR), and states that the number of individuals cited to be impacted in the PA/EIS/EIR is an error.	In the Final PA/EIS/EIR, Figures 3.3-3 and 3.3-4 depicting occurrences of the Harwood's milkvetch have been revised to incorporate the additional data for the private land parcel. Similarly, the numbers of individual occurrences reported in Table ES-1, Table 4.3-3 have been revised. In addition, the relative reduction of impact in Alternatives 2 and 3 has been revised in Sections 4.3.3.2 and 4.3.3.3. The additional information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
17-8	California Native Plant Society	The comment cites the large number of potentially impacted ribbed cryptantha as warranting a multi-year study of interannual variation in species composition on the project site.	The impact results for the ribbed cryptantha in Alternative 1 were reviewed, and were found to have been in error. The result for Alternative 1 in Tables ES-2 and 4.3-3 have been revised. The ribbed cryptantha is not a sensitive plant species that BLM analyzes in full detail. The species is listed by CNPS as Rank 4.3, indicating that it is on a watch list due to limited distribution, but is not very threatened in California. Therefore, a multi-year study is not warranted.

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17-12	California Native Plant Society	Citing the impacts to carbon sequestration associated with the project, the comment requests that the PA/EIS/EIR evaluate the feasibility of a rooftop solar alternative, or an alternative on degraded lands.	Please see Master Response 5b regarding the feasibility of certain alternatives. The potential loss of carbon sequestration associated with vegetation uptake is calculated in the EIS/EIR (see page 4.8-5).
17-13	California Native Plant Society	The comment summarizes the impacts associated with Alternatives 1 through 4. The comment specifies that Alternative 4 would provide the greatest level of protection for biological resources. Should Alternative 4 not be selected, the comment notes that the impacts of Alternatives 2 and 3 are lower than those of Alternative 1, and that Alternative 3 should be selected to ensure a reduced impact on biological resources.	The commenter's support for the No Action/No Project Alternative, if an action alternative is selected, Alternative 3, is acknowledged. No response is necessary.
17-14	California Native Plant Society	The comment concludes the letter by stating the commenter's overall preference for Alternative 4, and for Alternative 3 if an action alternative is to be selected.	The commenter's support for the No Action/No Project Alternative is acknowledged. No response is necessary.
18-1	Colorado River Board of California	The comment states that the commenter has reviewed the PA/EIS/EIR, and appreciates the opportunity to comment.	The comment introduces the background and role of the commenter. The comment is acknowledged and does not require a specific response.
18-2	Colorado River Board of California	The comment summarizes the proposed use of water by the project.	The description of the project in the comment is accurate, and does not require a specific response.

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18-3	Colorado River Board of California	The comment cites comments made in a previous comment letter on April 10, 2015. That comment stated that the project is within the Colorado River Accounting Surface area, that the underlying groundwater is considered to be hydraulically connected to the Colorado River, that any withdrawn groundwater would be replaced by the Colorado River in whole or in part, and that, if it is determined that the wells are pumping Colorado River water, a legally authorized and reliable replacement water source must be found to offset the use of the Colorado River water.	Please see Master Response 9.
18-4	Colorado River Board of California	The comment supports the development of a Groundwater Monitoring and Mitigation Plan, and requests that the plan be consistent with mitigation measure WR-7 adopted for the Palen Solar Project in October, 2018. The comment provides the text of WR-7.	Please see Master Response 9. A new mitigation measure (WATER-5) has been added to incorporate recommended elements from Palen mitigation measure WR-7. The clarification of the mitigation measure is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
18-5	Colorado River Board of California	The comment concludes the letter, and requests that the commenter be contacted if there are questions.	The conclusion to the comment letter is acknowledged and does not require a specific response.
19-1	Colorado River Indian Tribes	The commenter provides background on the Colorado River Indian Tribes, and describes the extent of their ancestral homelands. The comment requests that BLM and the County deny the proposed project, or revise the PA/EIS/EIR to adequately consider and mitigate for impacts to cultural and other resources.	The BLM has consulted with the CRIT. Section 4.5 of the Draft PA/EIS/EIR identifies impacts and mitigation measures for eligible cultural resources.

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19-2	Colorado River Indian Tribes	The comment summarizes case law regarding adequacy of an EIS and EIR, and generally states that this document fails to fully and accurately inform decision makers and the public.	<p>The comment contains general assertions that the Draft PA/EIS/EIR is inadequate, but does not describe any specific deficiencies. The Draft PA/EIS/EIR supplies the public and decision makers with adequate information concerning the potential environmental effects of the proposed Project and describes as necessary feasible mitigations to reduce potential significant impacts below established thresholds. The Draft PA/EIS/EIR reflects a good-faith effort to investigate and disclose environmental impacts of the Project (see CEQA Guidelines Sections 15003(i), 15151 and the CEQ’s NEPA regulations at 40 C.F.R. § 1502.16(h)), and the mitigation measures are legally adequate. CEQA states that formulation of mitigation measures may specify performance standards which would mitigate the significant effects of the Project and which may be accomplished in more than one specified way (see CEQA Guidelines Section 15126.5(a)(1)(B)). Further, NEPA does not contain “a substantive requirement that a complete mitigation plan be actually formulated and adopted.” <i>Okanogan Highlands Alliance v. Williams</i>, 236 F.3d 468, 473 (9th Cir.2000).</p> <p>The Draft PA/EIS/EIR identified mitigation measures that require the preparation of a more precise mitigation plan after certification of the PA/EIS/EIR, which is acceptable under CEQA provided that the agency “commits itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of approval.” <i>Sacramento Old City Association v. City Council</i> (1991) 229 Cal. App. 3d 1011, 1028-1029. Under NEPA, the mitigation plan does not need to be in “final form to comply with NEPA’s procedural requirements.” <i>National Parks & Conservation Association v. United States Department of Transportation</i>, 222 F.3d 677, 681 n. 4 (9th Cir.2000).</p>
19-3	Colorado River Indian Tribes	The comment describes the location of the project with respect to the CRIT reservation.	The description of the project in the comment is accurate, and does not require a specific response.

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19-4	Colorado River Indian Tribes	<p>The comment discusses the importance of the Mule Mountains ACEC, Mule Tank Discontiguous Rock Art District, and other features associated with the Mule Mountains to the Tribes. The comment acknowledges that the County and BLM have chosen Alternative 2 as their environmentally superior and preferred alternative in part to avoid cultural resource impacts, but states that the commenters still believe that the close proximity of the project to the Mule Mountains will result in the disturbance and destruction of cultural resources and artifacts. Based on experience at Genesis, the commenters believe that there is a high potential for identification of unanticipated resources, and that the proposed mitigation of removal of those artifacts to a distant museum is not sufficient. The comment also states that the PA/EIS/EIR fails to address other risks associated with proximity to a large industrial facility, including increased vandalism, visual intrusion, and loss of tribal connection to the landscape.</p> <p>Citing <i>Burwell v. Hobby Lobby Stores, Inc.</i>, 573 U.S. (2014), the commenter also argues that the impact of the Project on use of the Mule Mountains will substantially burden the exercise of religious freedom in violation of the Religious Freedom Restoration Act.</p>	<p>Section 4.5.3.1 of the Final PA/EIS/EIR includes a discussion of direct, indirect, and cumulative effects to cultural resources. Alternative 2, the BLM preferred and CEQA environmentally superior alternative, will avoid direct impacts. Indirect and cumulative impacts have also been considered and, where appropriate, mitigated. As for whether the development will lead to vandalism and destruction of cultural resources, this comment is speculative and not supported by evidence, substantial or otherwise. Construction activities and workers will be within the Project fence line and the Project will only provide access to cultural sites as needed to replace existing access that might be impaired by development. Furthermore, for purposes of assessing environmental impacts, the lead agencies must reasonably assume that the laws in place to protect resources and property will be obeyed.</p> <p>The BLM will be continuing consultation with Tribes in the development of mitigation, monitoring, and discovery plans outlined in mitigation measure CULTURAL-5 to address any discoveries during construction and operation of the facility.</p> <p>The Project will not prevent access to the Mule Mountains and because the commenter fails to describe what landscape connectivity is necessary to traditional cultural practices, the comment lacks the necessary specificity to craft a more detailed response. General comments can be responded to with a general answer.</p> <p>However, impacts to landscape connectivity, regardless of the role it might play in traditional practices, would not substantially burden religion. “[A] government action that decreases the spirituality, the fervor, or the satisfaction with which a believer practices his religion is not what Congress has labeled a ‘substantial burden’—a term of art chosen by Congress to be defined by reference to Supreme Court precedent—on the free exercise of religion.” <i>Navajo Nation v. United States</i>, 535 F.3d 1058, 1063 (9th Cir. 2008). “Where . . . there is no showing the government has coerced the Plaintiffs to act contrary to their religious beliefs under the threat of sanctions, or conditioned a governmental benefit upon conduct that would violate the Plaintiffs’ religious beliefs, there is no ‘substantial burden’ on the exercise of their religion.” <i>Id.</i>; see also <i>Snoqualmie Indian Tribe v. Fed. Energy Regulatory Comm’n</i>, 545 F.3d 1207 (9th Cir. 2008).</p> <p><i>Hobby Lobby</i> does not hold otherwise. The central issue in <i>Hobby Lobby</i> was whether a corporation was a “person” under the RFRA and whether a for-profit corporation could practice religion. 134 S. Ct. 2751, 2768-69 (2015). These determinations have no bearing on the issue at hand. “Whatever rights the [Native Americans] may have to the use of the area, . . . those rights do not divest the Government of its right to use what is, after all, its land.” <i>Lyng v. Nw. Indian Cemetery Protective Ass’n</i>, 485 U.S. 439, 454 (1988) (emphasis in original).</p>

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19-5	Colorado River Indian Tribes	The comment quotes the EIS as stating that data recovery and curation may alleviate the permanent loss of important resources. The comment objects to the suggestion that maintaining the scientific value of artifacts mitigates the loss of the artifact, and states that this violates state and federal law.	Section 4.5.3.1 discusses the direct, indirect, and cumulative effects for the Desert Quartzite Solar Project. Alternative 1 directly effects 10 resources eligible under criterion C and/or D. BLM finds curation is an appropriate measure to mitigate the loss of information those resources possess. The BLM finds that Alternative 2 and 3 would result in no adverse effects to eligible resources.

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19-6	Colorado River Indian Tribes	<p>The comment summarizes the legal status of cultural landscapes, and states that the discussion in the PA/EIS/EIR supports designation of the project area as a cultural landscape. The comment states that the lack of analysis of impact to the cultural landscape violates both NEPA and CEQA.</p>	<p>Section 4.5.3.1 discusses direct, indirect, and cumulative effects to cultural resources including NRHP eligible sites as required by NEPA and CEQA.</p> <p>Impacts to cultural properties and landscapes consisting of multiple sites or resources should be evaluated in compliance with NEPA and CEQA when these laws apply to a project. However, a commenter must do more than allege unstudied impacts to unspecified “cultural landscapes.” Areas of cultural and/or historic importance must be defined by the resources they include. <i>See, e.g., Te-Moak Tribe of Western Shoshone of Nev. v. U.S. Dep’t of Interior</i>, 608 F.3d 592 (9th Cir. 2010) (cultural property/landscape included mountain summit used for prayer and meditation, pinyon pine trees with dietary and ceremonial importance, and burial sites); <i>Muckleshoot Indian Tribe v. U.S. Forest Serv.</i>, 177 F.3d 800 (9th Cir. 1999) (claimed areas of historical importance included sites and trails); <i>Tyler v. Cisneros</i>, 136 F.3d 603 (9th Cir. 1998) (homes of historic importance); <i>Quechan Tribe of Fort Yuma Indian Reservation v. U.S. Dep’t of Interior</i>, 755 F.Supp.2d 1104 (S.D. Cal. 2010) (cultural properties collectively included burial and religious sites, ancient trails, and buried artifacts).</p> <p>Neither NEPA nor CEQA defines the term “cultural landscape.” In its management policies, however, the National Parks Service defines a cultural landscape as “a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or esthetic values. There are four non-mutually exclusive types of cultural landscapes: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes.” From this explanation, it is plain that cultural landscapes are, first and foremost, <i>defined</i>. The commenter fails to identify any defined area that meets this definition and that would furthermore suffer <i>unanalyzed significant</i> environmental impacts that require mitigation.</p>

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19-7	Colorado River Indian Tribes	The comment objects to the focus on NRHP and CRHR-eligibility in determining the significance of impacts to cultural resources. The comment explains why impacts to non-eligible resources may also be significant, including their contribution to cultural landscapes.	Section 4.5.3.1 discusses direct, indirect, and cumulative effects to cultural resources including NRHP eligible sites as required by NEPA and CEQA.
19-8	Colorado River Indian Tribes	The comment cites the PA/EIS/EIR's conclusion that the project would not directly impact ACECs or the resources for which they were designated. The comment states that the PA/EIS/EIR fails to discuss indirect adverse impacts to those resources.	Sections 4.16.3.1 (ACECs) and 4.5.3.1 (cultural resources) of the PA/EIS/EIR discuss indirect impacts to ACECs including the Mule Mountain ACEC. Indirect impacts were specifically addressed in the Draft PA/EIS/EIR for each resource for which ACECs are designated. These included vegetation (Section 4.3.3.1), wildlife (specifically Mojave fringe-toed lizard, burrowing owl, and desert tortoise, in Section 4.4.3.1), cultural resources (Section 4.5.1.2 and 4.5.3.1), paleontological resources (Section 4.13.3.1), and special designation areas (Section 4.16.3.1). Section 4.5.3.1 (cultural resources) discusses NRHP eligible sites near or within the Mule Mountains, which are the basis for the Mule Mountain ACEC designation.

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19-10	Colorado River Indian Tribes	The comment agrees with a statement in the PA/EIS/EIR that avoidance of cultural resources is the preferred mitigation measure, but states that the only means to achieve avoidance is to deny project approval.	The commenter's support for the No Action/No Project Alternative is acknowledged. No response is necessary.
19-11	Colorado River Indian Tribes	The comment summarizes recent discussions with BLM regarding BLM's use of data recovery and curation as mitigation, as opposed to re-burial, which is preferred by the Tribes. The comment requests that mitigation measures CUL-1, 2, 5, and 7 be revised to permit re-burial of isolates or other non-eligible resources instead of curation.	The disposition of artifacts located on BLM-managed land is governed by various laws, regulations, and policy. The Native American Graves Protection and Repatriation Act (NAGPRA) governs the discovery and repatriation of human remains, funerary objects, sacred objects, and objects of cultural patrimony. The DOI/BLM regulations at 43 CFR 10 outline the specific process the BLM must follow when such items are discovered, and recent policy allows for the possibility of reburial of NAGPRA materials on public lands contingent on approvals at the field and state offices and subject to environmental review. For those cultural resources that are not subject to NAGPRA, the BLM must comply with the Archaeological Resources Protection Act (ARPA), which requires curation to specific standards for non-NAGPRA archaeological resources excavated or removed under the authority of an ARPA/cultural resource use permit. Artifacts (even those considered "isolates") may be archaeological resources under ARPA, NAGPRA materials, or historic properties under NHPA. If such resources fit any of those definitions, they are subject to the processes and procedures set forth in the relevant laws and regulations. ARPA requires that when archaeological resources, as defined by the statute, are excavated or removed from public lands, they are subject to the ARPA regulations, including those requiring curation. The BLM must operate in accordance with the required regulations.
19-12	Colorado River Indian Tribes	The comment request that mitigation measures CUL-1, 4, and 6 be revised to require tribal monitors for all ground disturbing activities.	The request by the commenter is noted. Monitoring protocols will be addressed in the monitoring plans.

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19-13	Colorado River Indian Tribes	The comment cites inconsistent use of the terms “Native American Tribal Observer”, “tribal monitor”, and “Tribal Observer”, and does not define them in the glossary. The comment requests that a consistent term be used, and be defined in the glossary.	The text in the Final PA/EIS/EIR Sections 3.5.1.5, 3.5.2, 4.5.4, and mitigation measures Cultural-4 and Cultural-6 have been revised to consistently refer to Native American Tribal Monitor. This wording has also been added to the glossary. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
19-14	Colorado River Indian Tribes	The comment requests that any historic properties treatment plans or monitoring and discovery plans be developed and circulated in advance of the release of a Final PA/EIS/EIR.	The plans would be required as summarized in the mitigation measures identified in Appendix G, and BLM will provide the plans to Tribes and other parties for review and comment pursuant to federal regulations.
19-15	Colorado River Indian Tribes	The commenter requests that mitigation measure CUL-4, items 2 and 3, be revised to state that cultural resource treatment decisions will be made in consultation with local area tribes, and that ground disturbance shall not resume until this consultation is completed.	All three components of mitigation measure CUL-4 specifically state that consultation would occur in the event of post review discoveries. The BLM added language to clarify consultation would occur in accordance with 36 CFR 800.13.
19-16	Colorado River Indian Tribes	The comment requests that mitigation measure CUL-7 (WEAP training) be modified to include a requirement that tribal representatives participate in the training.	The specific requirement for inclusion of cultural resources in WEAP training has been added to Mitigation Measures VEG-6 and CULTURAL-8. Participation of tribal representatives in WEAP training is, and will continue to be, standard practice.
19-17	Colorado River Indian Tribes	The comment requests that mitigation measures CUL-4 and CUL-6 be revised to provide tribal monitors with the authority to stop construction work, and that tribes be given notice of newly discovered cultural resources within 24 hours of notification to BLM.	The Applicant would develop a comprehensive archaeological monitoring plan that will be in effect during construction of the Project. Archaeological monitors would coordinate with tribal monitors on discoveries and determine if stopping work is necessary. No change is required.

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19-18	Colorado River Indian Tribes	The comment states that the PA/EIS/EIR underestimates the cumulative impact to cultural resources by using resource numbers from the various project EISs, which were based on pre-project surveys and not actual, as found resources during construction. The comment also states that cumulative impacts are understated because they present only eligible resources, and because they do not consider the resources to contribute to cultural landscapes. The comment states that, based on these understatements, the impact conclusion of “not cumulatively considerable” is inaccurate, and should be changed.	Section 3.5 and 4.5.3.1 (cultural resources) were updated to include available information regarding post review discoveries and additional information summarized in the addendums 2 and 3 of the Class III report prepared for the Desert Quartzite Solar Project. The Final PA/EIS/EIR concludes that there are adverse direct effects with Alternative 1, but Alternatives 2 and 3 would result in no adverse effect. Currently, Alternative 2 is the BLM Preferred Alternative.
19-19	Colorado River Indian Tribes	The comment states that the visual resource analysis only generally refers to “viewer groups”, and fails to point out the special significance of the viewscape to CRIT members, or that CRIT was consulted for this analysis. The comment requests that BLM consult with the Tribes to determine the significance of the viewscape, and identify additional or alternative mitigation.	Section 3.5 and 4.5.3.1 (cultural resources) were updated to include additional information summarized in the addendums 2 and 3 of the Class III report prepared for the Desert Quartzite Solar Project. Chapter 6.3 summarizes the consultation conducted on the project. On May 9, 2019, the BLM requested the Tribes provide additional Tribal information regarding resources within the Mule Mountains.
19-20	Colorado River Indian Tribes	The comment objects to assignment of a less protective VRM Class (in this case, VRM Class III) than the assigned VRI Class (in this case, VRI II), and summarizes the description of the three factors of the visual analysis, stating that the PA/EIS/EIR downplayed the visual impacts by focusing only on one factor.	See Master Response Number 3. The rationale for this approach is presented on Page 3.19-4 of the Draft PA/EIS/EIR. As discussed in Appendix E, the current assigned VRM Class for the project area under DRECP is Class IV. As a result, the Draft PA/EIS/EIR, which evaluated the project as an Interim VRM Class II area, performed a more conservative analysis, and resulted in a conclusion of a higher level of adverse impact, than would be performed if the project were to be evaluated under the DRECP classification.

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19-21	Colorado River Indian Tribes	The comment states that the analysis of environmental justice did not consider impacts on the Tribes that exceed those that occur on the general population.	As discussed on Page 4.6-2 of the Draft PA/EIS/EIR, the Colorado River Indian Reservation is situated outside of the area normally considered to be the primary affected area, which is six miles surrounding the project boundary. The agencies extended the area of interest to include the Reservation, specifically to ensure that environmental justice impacts to CRIT were included within the analysis.
19-22	Colorado River Indian Tribes	The comment reiterates the statement that environmental justice impacts disproportionately fall on the Tribes, and requests that the agencies require mitigation, in the form of preferential hiring and job training. The comment requests that additional information on the jobs to be created be provided so that Tribal members can be considered.	Mitigation measure CUL-5 requires archaeological monitoring for this project to be the archaeological monitoring of the earth-removing activities during construction and decommissioning as would be specified in the Monitoring and Discovery Plan, which will include a Tribal Participation Plan. Construction of the Project would require a number of skilled, semi-skilled, and labor positions. Currently, it is unknown if the Applicant has selected a construction contractor. However, qualified applicants that live in close proximity to the Project site may prove preferential to the contractor compared to those that do not (and potentially require temporary relocation costs). Due to proximity of the Colorado River Indian Reservation to the Project site, tribal members are encouraged to contact the Applicant about the selection of a construction contractor and means for applying for construction employment.

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19-23	Colorado River Indian Tribes	The comment quotes the EIS from Page ES-3, regarding the project being exempt from the Western Solar Plan and DRECP. The comment objects to the exemption for the project because the project has been so substantially modified that it no longer resembles the project proposed with an application date prior to June 30, 2009. The comment also states that the project should be made compliant with DRECP in order to achieve the region-wide programmatic conservation and consistency that DRECP was designed to promote.	Please see Master Response 4. The rationale for the exemption, and the manner in which the project and alternatives conform to the DRECP, is discussed in Appendix B of the Draft PA/EIS/EIR.
19-24	Colorado River Indian Tribes	The comment states that BLM's purpose and need is too narrowly construed to the project itself, and therefore does not provide a framework to consider meaningful alternative, including other alternative sites, methods, and technologies. The comment requests that the purpose and need be revised, additional alternatives be developed, and the PA/EIS/EIR be recirculated.	Please see Master Response 5a.
19-25	Colorado River Indian Tribes	The comment states that the County's purpose and need for the EIR is too narrowly construed to the Applicant's proposal. The comment points out that many of the County's objectives, such as meeting state and federal renewable energy goals and objectives, can be met through means other than construction of a solar energy facility.	Please see Master Response 5a.

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19-26	Colorado River Indian Tribes	<p>The comment states that the PA/EIS/EIR fails to discuss details of the consultation between the agencies and CDFW, and the CDFW permitting process. The comment acknowledges that the PA/EIS/EIR discusses CDFW’s jurisdiction in several areas, including for Streambed Alteration and tortoise translocation.</p>	<p>As mentioned in the comment, the Draft PA/EIS/EIR discusses the role of CDFW with respect to both wildlife (potential Incidental Take Permit) and State jurisdictional waters (Lake and Streambed Alteration notification). That role takes several forms:</p> <ol style="list-style-type: none"> 1. Developing and ensuring compliance with guidance related to survey methods; 2. Actively participating during the development of the PA/EIS/EIR and associated mitigation measures; and 3. Issuing permits with associated mitigation requirements. <p>As discussed throughout the Draft PA/EIS/EIR, CDFW guidance and standards are referenced wherever they were applicable to the conduct of a pre-application survey, or to proposed pre-construction surveys. CDFW has actively participated during the development of the Draft PA/EIS/EIR and resulting mitigation measures since the inception of the project. CDFW participates in routine project management conference calls, as well as ad-hoc calls on specific issues. Although the Draft PA/EIS/EIR discusses CDFW permits that may be needed and is used as a basis for applications for those permits, requirements of those permits cannot be finalized until final project design is completed.</p>

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19-27	Colorado River Indian Tribes	The comment states that the definition of cultural resources used in the PA/EIS/EIR is too narrow, and should include non-eligible resources, wildlife that are important to tribal culture, viewsheds and landscapes, and vegetation.	<p>The definition of cultural resources comports with the definition in California Public Resources Code section 21074. Tribal cultural resources, as covered by CEQA, do not include natural resources. (See CEQA Appendix G (describing TCRs to include a “site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe”).) See also responses to 19-6 and 19-9 regarding the requirements for establishing a landscape as a TCR and the analysis of the Project’s impacts on the same.</p> <p>Impacts to the other resources referenced by the commenter are all analyzed in the Draft PA/EIS/EIR. Wildlife impacts are evaluated in Section 4.4, viewsheds in Section 4.19, and vegetation in Section 4.3.</p>
19-28	Colorado River Indian Tribes	The comment states that the biological mitigation proposed in the PA/EIS/EIR is piecemeal, and that the reliance of the impacts analysis on site-specific surveys fails to capture the extent to which other projects have already impacted biological resources.	The cumulative impacts to biological resources are analyzed in the Draft PA/EIS/EIR Section 4.4.6.
19-29	Colorado River Indian Tribes	The comment states that the analysis of growth-inducing impacts focuses only on population and housing, and does not address the extent to which approval of the project, and especially the gen-tie line, could make it more likely that other solar projects will be proposed and approved.	Proximity to the existing Colorado River Substation (CRSS) and transmission lines has been cited by applicants as criteria for favoring eastern Riverside County for solar development. However, they do not create the need for power, or for renewable power sources. Also, the approval of a facility connected to the CRSS and transmission lines, such as DQSP, does not provide substantial infrastructure that could be used by other facilities, so does not encourage additional applications.

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19-30	Colorado River Indian Tribes	The comment states that CRIT developed a government-to-government consultation policy, provided it to BLM, and requested that BLM acknowledge the receipt. However, BLM has not acknowledged receipt of the policy.	The commenter states that BLM has not adequately consulted with the Tribes or acknowledged CRIT’s consultation policy document. The BLM has reviewed CRIT’s consultation policy and the District Manager, California Desert District, has sent a response letter to CRIT. For the proposed Project, the BLM has consulted, and continues to consult, with 15 Tribes, including the Agua Caliente Band of Cahuilla Indians, Augustine Band of Cahuilla Indians, Cabazon Band of Mission Indians, Cahuilla Band of Mission Indians, Chemehuevi Cultural Center, Cocopah Indian Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Fort Yuma Quechan Tribe, Morongo Band of Mission Indians, Ramona Band of Cahuilla Mission Indians, San Manuel Band of Mission Indians, Soboba Band of Luiseno Indians, Torres Martinez Desert Cahuilla Indians, and Twenty-Nine Palms Band of Mission Indians.

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20-1	First Solar and Paul Hastings	The comment introduces First Solar, and provides the dates of the public comment period in order to demonstrate that the comments are timely-filed.	The comment introduces the background and role of the commenter. The comment is acknowledged and does not require a specific response.
20-2	First Solar and Paul Hastings	The comment states that the commenter appreciates the work that went into the document, and understands why BLM needed to delay the project in order to understand the relationship of the project to DRECP, even though the project is exempt from DRECP.	The comment is acknowledged and does not require a specific response.
20-3	First Solar and Paul Hastings	The comment summarizes some of the environmental benefits of the DQSP, and supports approval of the project by both BLM and the County.	The commenter's support for approval of the project is acknowledged. No response is necessary.
20-4	First Solar and Paul Hastings	As an introduction to the specific comments, the comment summarizes seven general categories into which their specific comments fall.	The introduction to the specific comments is acknowledged and does not require a specific response.
20-5	First Solar and Paul Hastings	The comment supports the selection of Alternative 2, the BLM preferred alternative and the County environmentally superior alternative. The comment states that the alternative is feasible, subject to minor modifications discussed in their other comments.	The commenter's support for Alternative 2 is acknowledged. No response is necessary.

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20-6	First Solar and Paul Hastings	The comment states that Alternative 3 is not feasible, and summarizes the reasons. Reasons include loss of energy generation due to the need to provide closer spacing of panels, and fewer economies of scale. The comment also cites elements of the EIS analysis to show that Alternative 3 does not reduce impacts to important resources, such as Mojave fringe-toed lizards, Harwood's eriastrum, and cultural resources, as compared to Alternative 2. The comment also cites the longer gen-tie line under Alternative 3 as having a potential greater impact on birds. The comment cites California's recent adoption of a 100% RPS goal to show that, the loss of output between Alternatives 2 and 3 would need to be made up with construction of additional generation in another location, resulting in additional, potentially greater impacts, at that location.	The summary of impacts of Alternative 2 as compared to Alternative 3 is consistent with the analysis in the Draft PA/EIS/EIR, and will be considered by the BLM and the County in their final decision.
20-7	First Solar and Paul Hastings	The comment reiterates the reasons for the commenter's support for selection of Alternative 2.	The commenter's support for Alternative 2 is acknowledged. No response is necessary.

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20-8	First Solar and Paul Hastings	The comment reiterates the exemption of the project from DRECP, and expresses concern that, in presenting a CMA-compliant alternative (Alternative 3) and a detailed analysis of the conformance of the project with the CMAs, the PA/EIS/EIR presents the appearance of implying that the CMAs apply to the project. The comment anticipates that other commenters may ultimately provide detailed comments regarding specific compliance of the project with the CMAs, and requests that BLM’s response to those comments focus not on the specific technical aspects, but on the fact that the DQSP is not subject to the CMAs.	BLM agrees the project is exempt from DRECP. However, the DRECP crosswalk in Appendix E and Chapter 1 discuss the extent to which the project and alternatives were developed using the best information from the DRECP.
20-9	First Solar and Paul Hastings	The comment summarizes recent literature and research regarding the potential “lake-effect” impact on birds. The comment acknowledges that the PA/EIS/EIR ultimately concludes that the lake effect is speculative, but states that the discussion of the rationale for this conclusion is uneven, and requests that it be revised and supplemented with the additional data provided in the comment to more strongly support the conclusion.	Please see Master Response 7.

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20-10	First Solar and Paul Hastings	<p>The comment notes that the Migratory Bird Treaty Act (MBTA) has historically been the rationale for the requirement for projects to prepare a Bird and Bat Conservation Strategy (BBCS) and implement avian monitoring, but that this rationale no longer applies due to Opinion M-37050 issued by the Solicitor of the Department of the Interior, dated December 22, 2017 and USFWS guidance issued on April 11, 2018. The comment states that, while BLM and USFWS have agreed that the MBTA is no longer a rationale for these requirements, they continue to require a BBCS and associated monitoring based on NEPA, FLPMA, and BLM Policy Manuals 6300 and 6840. The comment presents an analysis of these four items to demonstrate that they do not require a BBCS and monitoring, do not apply to the species at the project area, and/or do not have the force of law. The comment recommends foregoing a BBCS and monitoring in favor of funding voluntary conservation measures.</p>	<p>The commenter is correct, there is no law that explicitly requires the preparation of a Bird and Bat Conservation Strategy. However, for renewable energy projects in the California Desert, BLM has historically and routinely required the development of a strategy to monitor and mitigate the impacts of the project on birds (e.g. a Bird and Bat Conservation Strategy). The authority to require such surveys and monitoring is derived from NEPA and FLMPA. The Bureau sees the value of such plans as important information to 1) ensure that the impacts disclosed to the public are correct; 2) gather information that will assist the Bureau in improving management of renewable energy development in a natural landscape, and 3) achieve the multiple use mandate (by understanding the impacts solar development has on bird populations with the intent to reduce the impact as needed). The commentator's reference to Opinion M-37050 is incorrect, as that opinion is narrow, providing direction for prosecution of take under the Migratory Bird Treaty Act, which falls to US Fish and Wildlife Service, not BLM. Upon the issuance of M-37050, the BLM was directed to continue to manage avian populations following FLPMA, which clearly directs the Bureau to manage for the conservation of species and their habitat. The avian mortality monitoring required in the BBCS falls to BLM's authority under FLMPA (to minimize the impacts from other multiple uses) and from NEPA. Monitoring is the means by which data is gathered to know the impacts of a project to then allow for appropriate avoidance and minimization. The commenter's request to forgo monitoring and replace it with voluntary conservation is inconsistent with BLM policy and current practice on similar projects in the California Desert.</p> <p>Additionally, BLM is directed to assist state agencies with state wildlife management goals. California Department of Fish and Wildlife, as permitting agency for this project, has indicated that a minimum of 2 years of avian mortality monitoring is appropriate.</p>

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20-11	First Solar and Paul Hastings	The comment cites ongoing discussions between the Tribes and BLM regarding the potential for re-burial of cultural items and artifacts inadvertently discovered on solar project sites, with the Tribes requesting re-burial and BLM holding a position that re-burial violates BLM policy. The comment supports the Tribe position in support of re-burial, and requests that BLM allow that isolates be held securely onsite temporarily until BLM and the Tribes can agree on their final disposition.	See response to comment 19-11.
20-12	First Solar and Paul Hastings	With respect to the analysis of project impacts to sand transport, the comment concurs with the conclusion in the PA/EIS/EIR that there is no active, regional sand transport corridor, but disagrees with other conclusions related to sand transport. The comment objects to the document's reliance on dated and regional-scale literature regarding sand transport instead of relying on the Applicant's site-specific sand transport study, based only on the presence or absence of peer review. The comment states that a suggestion that Applicant-generated studies require peer-review goes beyond evidentiary requirements of NEPA or CEQA, would result in reliance on regional studies that may or may not apply, and that LUPA-BIO-DUNE-1 in DRECP specifically requires applicant-generated site-specific studies of sand transport without mentioning a need for peer review.	Please see Master Responses 6a and 6b for information with respect to sand transport areas.

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20-16	First Solar and Paul Hastings	The comment summarizes a change proposed in the footprint of Alternative 2, increasing its size by 58 acres, and requests that BLM and the County consider incorporating this change into Alternative 2. The comment states that the change was made based on the results of additional cultural resource investigation in which resources previously thought to be eligible for listing were found to not be eligible, and therefore avoidance of those areas, as previously proposed, is no longer necessary.	BLM acknowledges the rationale behind the Applicant's proposal to include these formerly excluded areas within the Alternative 2 footprint. Impacts that would occur due to project development within the additional area were considered as part of Alternative 1, so the acreage is not being added to Alternative 2 at this time.
20-17	First Solar and Paul Hastings	The comment is a conclusion, thanking the agencies for the opportunity to comment.	The conclusion to the comment letter is acknowledged and does not require a specific response.
20-18	First Solar and Paul Hastings	The comment recommends a correction in the length of the gen-tie line.	The text describing the gen-tie length on Pages 2-33, 4.4-17, 4.4-18, and 4.9-18 of the Draft PA/EIS/EIR has been corrected in the Final PA/EIS/EIR. The correction is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the correction does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-19	First Solar and Paul Hastings	The comment notes that the acreages for state jurisdictional waters reported in the PA/EIS/EIR for Alternatives 2 and 3 are not final, because CDFW has not made a determination that these abandoned channels are jurisdictional. As a result, the commenter requests that these acreages be listed as 0 acres, pending a final determination.	Footnote 2 in Table 3.3-4 of the Draft PA/EIS/EIR documents that the abandoned channels are considered to be potentially jurisdictional, pending a CDFW determination. A footnote has been added to the Final PA/EIS/EIR Table ES-1 and Table 4.3-2, where abandoned channels are referenced, to clarify this status. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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20-20	First Solar and Paul Hastings	The comment states that the reported water use for Alternative 3 should be lower than Alternatives 1 and 2.	The Applicant provided water use data for Alternative 3 on February 17, 2016. The information provided stated that the water use would be the same as that of Alternative 2. No change has been made.
20-21	First Solar and Paul Hastings	The comment requests clarification of the significant impacts associated with CEQA criterion BIO-3 in Table ES-2. The comment states that the table should indicate no impacts to Federal jurisdictional waters, and that there should be no impact to state jurisdictional waters, pending a decision on abandoned channels by CDFW.	Footnote 2 in Table 3.3-4 of the Draft PA/EIS/EIR documents that the abandoned channels, which are the basis for the conclusion that BIO-3 impacts may be significant, are considered to be potentially jurisdictional, pending a CDFW determination. Table ES-2 of the Final PA/EIS/EIR has been revised to show no impacts to Federal jurisdictional waters, but continues to show the significance conclusion for state jurisdictions. A footnote has been added to the Final PA/EIS/EIR Table ES-2, Impact BIO-3, to clarify why the state significance conclusion has not been revised. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-22	First Solar and Paul Hastings	The comment identifies a typographic error on Page 1-1 that needs correction.	The typographic error was contained in text that has been deleted in the Final PA/EIS/EIR because it was repetitive with text in the Executive Summary. No further change is needed.
20-23	First Solar and Paul Hastings	The comment requests that an additional sentence be inserted regarding the applicability of DRECP to the project.	The proposed text has been added to the text of the Final PA/EIS/EIR. The addition is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the addition does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-24	First Solar and Paul Hastings	The comment requests clarification of the application of DRECP and the CMAs to the project.	BLM has reviewed the proposed change, and does not agree. No change has been made.

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20-25	First Solar and Paul Hastings	The comment requests clarification of text discussing the announcements of the public scoping meetings.	The text on Draft PA/EIS/EIR page 1-17 has been corrected in the Final PA/EIS/EIR. The correction is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the correction does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-26	First Solar and Paul Hastings	The comment requests clarification of text discussing the number of public scoping meeting attendees.	The comment is not accurate. Based on a review of the transcripts for both meetings, four individuals commented at Parker, and two individuals commented at Blythe. The text on Draft PA/EIS/EIR page 1-17 has been revised in the Final PA/EIS/EIR to show the different numbers of commenters at the two meetings. The correction is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the correction does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-27	First Solar and Paul Hastings	The comment requests clarification of text regarding the relationship between discretionary permits and CEQA.	The text on Draft PA/EIS/EIR page 1-21 has been clarified in the Final PA/EIS/EIR. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-28	First Solar and Paul Hastings	The comment requests clarification of text discussing consultation with CDFW.	The text on Draft PA/EIS/EIR page 1-21 has been clarified in the Final PA/EIS/EIR. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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20-29	First Solar and Paul Hastings	The comment cites recent USFWS policy regarding the MBTA, and requests that MBTA be removed from the list of anticipated permits and approvals.	MBTA has been removed from the list of anticipated permits and approval in Table 1-2 of the Final PA/EIS/EIR. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-30	First Solar and Paul Hastings	The comment requests clarification of text to include the possibility that the project will be developed in phases.	The text on Draft PA/EIS/EIR page 2-6 has been clarified in the Final PA/EIS/EIR. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-31	First Solar and Paul Hastings	The comment requests clarification of text regarding curation of cultural resources, pointing out that curation depends on the available of facilities able and willing to accept items.	The curation of cultural resources is covered in the applicant's cultural consultant and the ARPA permit stipulations. No change has been made.
20-32	First Solar and Paul Hastings	The comment objects to the characterization of the Reduced Project Alternative (Alternative 3) as maintaining additional habitat for the Mojave fringe-toed lizard and Harwood's eriastrum. The comment notes that the project area in question is not occupied habitat, and is based on an unsupported assumption that the sand source in that area could migrate to the west. The comment requests that the sentence be deleted. See comment 20-14.	Based on the characterization of this area in the Kenney (2017) report, and results of other studies, BLM believes that surface water flow in this area could be critical in stabilizing sand dunes. No change has been made.

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Index Number	Commenter Organization	Summary of Comment	Response
20-33	First Solar and Paul Hastings	The comment states that the reported water use for Alternative 3 should be lower than Alternatives 1 and 2.	The Applicant provided water use data for Alternative 3 on February 17, 2016. The information provided stated that the water use would be the same as that of Alternative 2. No change has been made.
20-34	First Solar and Paul Hastings	The comment cites Table 2-7, which discusses the potential feasibility of a Migratory Bird Alternative. The comment points out that the alternative was requested by USFWS prior to their change of interpretation of the MBTA, and prior to the conclusion of the sand study that there is no regional sand transport corridor. The comment requests that this additional information be added to the table.	Despite the commenter's regulatory interpretation of the MBTA, the considered alternative is still relevant to the consideration of impacts to migratory birds and sand deposits. No change has been made.
20-35	First Solar and Paul Hastings	The comment reiterates a previous comment (20-12) objecting to the suggestion that Applicant-generated studies require peer-review.	Please see Master Responses 6a and 6b.
20-36	First Solar and Paul Hastings	The comment reiterates previous comments (20-12 and 20-26) objecting to the reliance of the PA/EIS/EIR on regional studies to reach conclusions regarding the past operation of the sand transport corridor, and states that the agencies could have reached the similar conclusion about no project impacts to a regional sand corridor using the Kenney report. The comment expresses concern that the discussion of the sand corridor is not clear, and that parts of the discussion appear to imply that there is a regional corridor, when the later text concludes that there is no regional corridor.	Please see Master Responses 6a and 6b.

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20-37	First Solar and Paul Hastings	The comment requests clarification of text regarding the status of the CDFW determination of state jurisdiction on abandoned channels.	Because CDFW has not yet made a determination regarding the status of abandoned channels, the reference to those channels as “areas potentially subject to CDFW jurisdiction” is still applicable. No change has been made.
20-38	First Solar and Paul Hastings	The comment notes that the PA/EIS/EIR text accurately describes the lack of potential habitat for the Couch’s spadefoot toad on the project site, yet still proposes mitigation for the species. The comment requests that the proposed mitigation be deleted.	In the Draft PA/EIS/EIR, Table 3.4-1, Special-Status Wildlife Species Evaluated for Potential Occurrence within the Study Area, addresses that while breeding habitat for Couch's spadefoot toad was not found within the project area, that predicted occupied habitat is present on a portion of the site per the DRECP model for the species. Section 4.4.3 Direct and Indirect Impacts of the Draft PA/EIS/EIR states that Mitigation Measure WIL-12 (Couch’s Spadefoot Toad Protection and Mitigation) would require avoidance and minimization measures should occupied habitat be identified during pre-construction surveys or the presence of individuals be identified during construction activities.
20-39	First Solar and Paul Hastings	The comment lists an additional study (Lerch 2018) that should be cited in the discussion of the Class III Archaeological Survey.	The proposed text has been added to the text in the Final PA/EIS/EIR. The addition is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the addition does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-40	First Solar and Paul Hastings	The comment lists an additional study (Lerch 2018) that should be cited in the discussion of the archaeological testing.	The proposed text has been added to the text in the Final PA/EIS/EIR. The addition is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the addition does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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Index Number	Commenter Organization	Summary of Comment	Response
20-41	First Solar and Paul Hastings	The comment requests update of text regarding the current boundary of the APE.	Figure 3.5-1 of the Draft PA/EIS/EIR has been updated in the Final PA/EIS/EIR, and the information regarding the change in the APE in 2018 has been added to the text in Section 3.5.1. The update is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the update does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-42	First Solar and Paul Hastings	The comment requests that the number of eligible sites within the project area be modified based on additional study (Lerch 2018), which will be provided to BLM in mid-November.	The results of the additional cultural resources study have been incorporated into the text in the Final PA/EIS/EIR. The revised information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revised information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-43	First Solar and Paul Hastings	The comment requests modification of text in Table 3.5-1 to incorporate the updated findings of an additional study (Lerch 2018).	The results of the additional cultural resources study have been incorporated into Table 3.5-1 in the Final PA/EIS/EIR. The revised information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revised information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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Index Number	Commenter Organization	Summary of Comment	Response
20-48	First Solar and Paul Hastings	The comment provides information that should be used to update the cumulative project list in Table 4.1-3.	Table 4.1-3 of the Final PA/EIS/EIR has been updated. The updated information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the updated information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-49	First Solar and Paul Hastings	The comment cites the acreage of direct impact of Alternative 2 to occupied habitat for Harwood's eriastrum. The comment notes that this impact is based on project overlap of the 250 foot radius of Harwood's eriastrum occurrences. The comment states that there is no scientific justification for the 250 foot radius, and that the justification should either be provided, or the document should be revised to reflect no direct impact to occupied habitat.	Page 3.17-25 of the Palen EIS provided a technical justification of the 250 foot estimate for occupied habitat, and that rationale was also used for DQSP. The rationale has been added to Table 4.3-3 of the Final PA/EIS/EIR. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-50	First Solar and Paul Hastings	The comment cites statements in the PA/EIS/EIR regarding the potential for wind direction changes to affect native vegetation alliances. The comment states that no evidence is provided of these changes in wind patterns, and therefore the potential impacts are speculative.	Please see Master Response 6b.
20-51	First Solar and Paul Hastings	The comment requests modification of text to clarify the current status of the CDFW position on the jurisdictional status of the abandoned channels (see comment 20-19). (Note, the comment incorrectly cites Page 4.1-13. The correct page is 4.3-13).	The text on Draft PA/EIS/EIR pages 4.3-7, 4.3-13, 4.3-14, and 4.3-16 has been clarified in the Final PA/EIS/EIR. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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Index Number	Commenter Organization	Summary of Comment	Response
20-52	First Solar and Paul Hastings	The comment requests modification of text to clarify the current status of the CDFW position on the jurisdictional status of the abandoned channels (see comment 20-19).	The text on Draft PA/EIS/EIR pages 4.3-7, 4.3-13, 4.3-14, and 4.3-16 has been clarified in the Final PA/EIS/EIR. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-53	First Solar and Paul Hastings	The comment cites text that suggests that the reduction in the footprint for Alternative 2 results in commensurate reductions in impacts. The comment points out that the reduction in impacts is not proportional to the reduction in acreage, because a small reduction in acreage has succeeded in avoidance of all Mojave fringe-toed lizard and Harwood's eriastrum habitat.	The text on Draft PA/EIS/EIR pages 4.3-18, 4.3-22, and 4.4-31 has been clarified in the Final PA/EIS/EIR. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-54	First Solar and Paul Hastings	The comment cites the discussion of the potential migration of dunes, based on Potter and Weigand (2016). The comment states that the PA/EIS/EIR as not provided any evidence that the factors operating at Palen also operate at the project site, and therefore any extension of the Palen observations to potential impacts at DQSP are speculative.	Please see Master Response 6b.
20-55	First Solar and Paul Hastings	See comment 20-38. The comment reiterates the lack of potential habitat for the Couch's spadefoot toad on the project site, and requests that mitigation measure WIL-12 for the toad be omitted.	Please see response to comment 20-38.

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20-56	First Solar and Paul Hastings	The comment provides recommended text changes for the PA/EIS/EIR section discussing the potential for the lake effect to adversely impact birds.	Please see Master Response 7.
20-57	First Solar and Paul Hastings	See comment 20-41. The comment requests update of text regarding the current boundary of the APE.	The text on Draft PA/EIS/EIR pages 4.5-1 and 4.5-2 has been updated in the Final PA/EIS/EIR. The update is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the update does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-58	First Solar and Paul Hastings	See comment 20-41. The comment requests update of text regarding the current boundary of the APE.	The text on Draft PA/EIS/EIR page 4.5-1 and 4.5-2 has been updated in the Final PA/EIS/EIR. The update is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the update does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-59	First Solar and Paul Hastings	The comment quotes text regarding the accessibility of cultural resource sites in Alternatives 2 and 3. The comment states that the text inaccurately implies that these sites would become inaccessible, and requests that the text be clarified to show that the sites would remain accessible.	The text on Draft PA/EIS/EIR page 4.5-2 has been clarified in the Final PA/EIS/EIR. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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20-60	First Solar and Paul Hastings	The comment requests that the number of eligible sites within the project area be modified based on additional study (Lerch 2018).	The results of the additional cultural resources study have been incorporated into the Final PA/EIS/EIR. The revised information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revised information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-61	First Solar and Paul Hastings	The comment proposes modification of Table 4.5-1 and associated text to incorporate recent findings from Lerch (2018).	The results of the additional cultural resources study have been incorporated into the Final PA/EIS/EIR. The revised information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revised information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-62	First Solar and Paul Hastings	The comment proposes modification of Table 4.5-2 and associated text to incorporate recent findings from Lerch (2018).	The results of the additional cultural resources study have been incorporated into the Final PA/EIS/EIR. The revised information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-63	First Solar and Paul Hastings	The comment proposes modification of Table 4.5-3 and associated text to incorporate recent findings from Lerch (2018).	The results of the additional cultural resources study have been incorporated into the Final PA/EIS/EIR. The revised information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revised information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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Index Number	Commenter Organization	Summary of Comment	Response
20-64	First Solar and Paul Hastings	The comment proposes modification of Section 4.5.4 to incorporate recent findings from Lerch (2018).	The results of the additional cultural resources study have been incorporated into the Final PA/EIS/EIR. The revised information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revised information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-65	First Solar and Paul Hastings	The comment proposes modification of Section 4.5.6 to incorporate recent findings from Lerch (2018).	The results of the additional cultural resources study have been incorporated into the Final PA/EIS/EIR. The revised information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revised information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-66	First Solar and Paul Hastings	The comment requests that text in Section 4.13 be updated with data from the recently completed paleontological field survey.	The results of the paleontological resources survey have been incorporated into Sections 3.13 and 4.13 of the Final PA/EIS/EIR. The updated information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the updated information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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Index Number	Commenter Organization	Summary of Comment	Response
20-67	First Solar and Paul Hastings	The comment cites measures AQ-1 and AQ-2 as requiring that any soil stabilizers used be BLM approved and non-toxic, and therefore requests that soil stabilizers be removed from the list of hazardous substances in Section 4.9.	The text on Draft PA/EIS/EIR pages 4.9-1 and 4.9-8 has been clarified in the Final PA/EIS/EIR to remove the statement that soil stabilizers are considered to be hazardous materials. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-68	First Solar and Paul Hastings	The comment cites text stating that mitigation measure HAZ-2 requires a Broken PV Module Detection and Handling Plan. The comment notes that HAZ-2 does not require a plan, but only requires that damaged modules be recycled or disposed of properly. The comment requests that references to a Plan be removed.	The text on Draft PA/EIS/EIR pages 4.9-17, 4.9-21, and 4.9-24 has been corrected in the Final PA/EIS/EIR to remove the reference to a Plan. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-69	First Solar and Paul Hastings	The comment cites mitigation measure WIL-2 (desert tortoise translocation), and requests that it be updated to reflect USFWS 2017 guidance.	A search of USFWS websites and review of the Applicant's submitted Translocation Plan have not identified that a 2017 version of translocation guidance has been issued. The specific references to the 2011 version in WIL-2 have been deleted in Appendix G of the Final PA/EIS/EIR, leaving the measure referring only generically to "USFWS protocol", with the implication that the most current protocol would apply.
20-70	First Solar and Paul Hastings	The comment references the analysis of the consistency of the gen-tie line with Riverside County General Plan LU Policy 14.5. The comment states that the fact that the gen-tie line would be parallel to existing gen-tie lines from other projects should also be cited as a reason for why the gen-tie line would not have significant visual impacts.	The text on Draft PA/EIS/EIR page 4.19-17 has been clarified in the Final PA/EIS/EIR to add the information about the parallel gen-tie lines. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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Index Number	Commenter Organization	Summary of Comment	Response
20-74	First Solar and Paul Hastings	The comment states that the analysis shows that the reduction in fugitive dust from the proposed speed limits and dust suppression measures would be equivalent to the reduction from the paving proposed in mitigation measure TRN-4, and therefore proposes to eliminate the paving requirement. The comment also discusses why it would not be feasible to achieve the required fencing of staging areas that would be needed to support the paving. The comment proposes changes to the text of TRN-4.	The text of mitigation measure TRN-4 has been revised in Appendix G of the Final PA/EIS/EIR. The revision is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revision does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-75	First Solar and Paul Hastings	The comment cites text references to groundwater testing in mitigation measure WATER-1. The comment states that this requirement is not in WATER-1, but in HAZ-1, and recommends correction of the text.	The incorrect references to mitigation measure WATER-1 on Draft PA/EIS/EIR pages 4.9-9, 4.9-10, 4.9-16, 4.9-17, 4.9-20, 4.9-21, 4.9-23, and 4.9-24 have been corrected in Appendix G of the Final PA/EIS/EIR. The correction is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the correction does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
20-76	First Solar and Paul Hastings	The comment cites text referring to conformance of the project with applicable County land use plans being discussed in Chapter 4. The comment points out that the policies are discussed in Table F-2 rather than Chapter 4, and recommends correction of the text.	The text on Draft PA/EIS/EIR page 4.10-2 has been corrected in the Final PA/EIS/EIR to refer only to Appendix F. The correction is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the correction does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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Index Number	Commenter Organization	Summary of Comment	Response
20-77	First Solar and Paul Hastings	The comment cites the requirement in mitigation measure REC-1 for periodic light clearing and grading of the access road to the Mule Mountains. The comment states that this requirement is not proportional to the impact, and that BLM has not demonstrated that the condition of the replacement route would be different than the existing route. The comment proposes that the requirement be removed.	Draft PA/EIS/EIR Section 4.14 concluded that closure of the routes within the project area remove the main access point for the public. Without the reroute and the reroute being maintained, public access to the Mule Mountains would be impeded. No change has been made to the condition.
20-78	First Solar and Paul Hastings	The comment proposes a change in the footprint of Alternative 2. See comment 20-16.	BLM acknowledges the rationale behind the Applicant's proposal to include these formerly excluded areas within the Alternative 2 footprint. Impacts that would occur due to project development within the additional area were considered as part of Alternative 1, so the acreage is not being added to Alternative 2 at this time.
21-1	Kenney GeoScience	The comment references the Kenney (2017) study provided by the Applicant, and used to support the analysis of impacts to the sand corridor in the PA/EIS/EIR. The comment states that the intent of the comment letter is to clarify specific issues related to BLM's interpretation of the report.	The introduction to the comment letter is acknowledged and does not require a specific response.
21-2	Kenney GeoScience	The comment states that, although the PA/EIS/EIR claims to present a balanced view of the scientific literature, it failed to consider specific findings of the Kenney (2017) report, which were based on site-specific mapping. The comment objects to the PA/EIS/EIR appearing to dismiss the detailed analysis provided in the report.	Please see Master Responses 6a and 6b.

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21-3	Kenney GeoScience	The comment provides detailed rationale supporting the commenter's findings and opinion regarding the operation of the sand transport corridor suggested by Zimbelman (1995). The comment objects to the Zimbelman theory, states that no published dune study has supported the theory, and objects to presentation of the hypothesis as a prevailing theory.	Please see Master Responses 6a and 6b.
21-4	Kenney GeoScience	The comment cites geomorphic differences between the Project area and Palen Dry Lake, and cites these differences to object to the discussion of potential future migration of project area dune systems in the PA/EIS/EIR. The comment states that, based on the cited differences, there is no support for extrapolating the observation of expansion of dune systems at Palen to a conclusion that similar expansion could potentially occur in the future at the Project site.	Please see Master Responses 6a and 6b.
21-5	Kenney GeoScience	The comment objects to BLM's emphasis on peer-reviewed studies, as opposed to relying on a site-specific mapping study.	Please see Master Responses 6a and 6b.
22-1	Metropolitan Water District of Southern California	The comment is an introductory paragraph stating that the Metropolitan Water District of Southern California (Metropolitan) had provided comments at the time of scoping, and remains concerned about potential direct and cumulative impacts to water supplies.	The introduction to the comment letter is acknowledged and does not require a specific response.
22-2	Metropolitan Water District of Southern California	The comment provides a background description of the history and role of Metropolitan.	The comment introduces the background and role of the commenter. The comment is acknowledged and does not require a specific response.

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22-7	Metropolitan Water District of Southern California	The comment provides additional specificity regarding the PVID contract with the Secretary of the Interior, and requests that the additional information be incorporated into the PA/EIS/EIR subsection 3.18.	The text in Appendix D.18 in Appendix G of the Final PA/EIS/EIR, (text that was previously in Section 3.18 of the Draft PA/EIS/EIR) has been clarified. The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the clarification does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
22-8	Metropolitan Water District of Southern California	The comment provides a correction to information provided in Table 4.1-2, and requests that the correction be incorporated into the PA/EIS/EIR.	Table 4.1-2 has been corrected in the Final PA/EIS/EIR. The corrected information The clarification is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the corrected information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
22-9	Metropolitan Water District of Southern California	The comment is conclusionary, thanking BLM for the opportunity to review the document and providing contact information for requesting further assistance.	The conclusion to the comment letter is acknowledged and does not require a specific response.
23-1	U.S. Environmental Protection Agency	The comment summarizes the authority of the agency to review the PA/EIS/EIR, and expresses appreciation, and acknowledges that the PA/EIS/EIR incorporates many components of the feedback provided by the commenter since April, 2015.	The comment introduces the background and role of the commenter. The comment is acknowledged and does not require a specific response.
23-2	U.S. Environmental Protection Agency	The comment states that the commenter has concerns regarding the project's impacts to air quality, hydrology, sensitive species, and cultural resources, as well as cumulative impacts related to the other large-scale solar projects in the area.	The introduction to the specific comments is acknowledged and does not require a specific response.

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23-3	U.S. Environmental Protection Agency	The comment states that the commenter recognizes that the project is exempt from DRECP, and appreciates that the analysis included an evaluation of the compliance of each alternative with the CMAs.	The statement regarding the exemption of the project from DRECP, and the inclusion of a compliance analysis in the Draft PA/EIS/EIR, is accurate. No specific response is needed.
23-4	U.S. Environmental Protection Agency	The comment states that EPA no longer includes ratings in their comment letters. The comment also provides contact information for questions regarding the comments.	The statement that the commenter's procedures for reviewing and commenting on EISs have changed is acknowledged and does not require a specific response.
23-5	U.S. Environmental Protection Agency	The comment summarizes the results of the air quality impact analysis from the PA/EIS/EIR, and notes that, despite, mitigation measures, project construction could still result in exceedances of state and federal air quality standards.	The summary of the impacts to air quality and the proposed mitigation measures is accurate. No specific response is needed.
23-6	U.S. Environmental Protection Agency	The comment notes that the PA/EIS/EIR presents air emission estimates for several nearby projects, but not for the Crimson Solar project. The comment states that construction may be concurrent, and that Crimson emissions estimates should therefore be provided. The comment states that EPA supports additional mitigation, coordination with local agencies, and air quality monitoring.	Please see Master Response 1.

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23-7	U.S. Environmental Protection Agency	The comment requests that mitigation measure AQ-3 be clarified to state whether it would require that non-road vehicles meet or exceed Tier 4 exhaust standards, and to indicate the availability of such equipment for the project.	Mitigation measure AQ-3 has been revised in Appendix G of the Final PA/EIS/EIR to require that non-road vehicles would meet or exceed Tier 4 to the maximum extent possible. The revision is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revision does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
23-8	U.S. Environmental Protection Agency	The comment requests that the emissions reductions expected from mitigation measures AQ-1, 2, 3, and TRN-4 be quantified, and that Tables 4.2-7 through 4.2-10 be revised to indicate any remaining exceedances of air quality standards.	Please see Master Response 1.
23-9	U.S. Environmental Protection Agency	The comment requests that Tables 4.2-11 and 4.2-12 be revised to include emissions from Crimson Solar, and for Crimson and the other project listed, break out their anticipated emissions by year.	The emissions from Crimson have been added to Tables 4.2-11 and 4.2-12. Please see Master Response 1.
23-10	U.S. Environmental Protection Agency	The comment requests that the estimates generated in response to comment 23-9 be used to develop a phased construction schedule for this and other projects that would not result in any violations of air quality standards. The comment requests that this schedule be incorporated into the applicant's phased site preparation plan.	Please see Master Response 1.

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Index Number	Commenter Organization	Summary of Comment	Response
23-11	U.S. Environmental Protection Agency	The comment requests that the PA/EIS/EIR discuss whether this additional analysis in response to comment 23-10 would require additional mitigation or reduction in acreage, or would affect the permitting of other projects.	Please see Master Response 1.
23-12	U.S. Environmental Protection Agency	The comment requests that real-time monitoring of PM ₁₀ emissions be considered and, if not implemented, discuss in the PA/EIS/EIR how BLM intends to demonstrate that performance standards are met.	Please see Master Response 1.
23-13	U.S. Environmental Protection Agency	The comment states that EPA remains concerned about impacts to site hydrology. The comment summarizes information on site preparation provided in the PA/EIS/EIR, and states that additional review is not possible because erosion and sedimentation control and stormwater plans have not been provided.	Please see Master Responses 2 and 8. The results of modeling of stormwater flow and its effect on downstream areas are provided in Sections 3.20.1.2, 4.7.4 (CEQA impacts GEO-10 and GEO-11), and 4.20.3.1 (pg. 4.20-11) of the Draft PA/EIS/EIR.
23-14	U.S. Environmental Protection Agency	The comment notes that the PA/EIS/EIR recommends preservation of existing vegetation as the most effective method of erosion control and stormwater management, but then also states that preservation of existing vegetation is infeasible. The comment states that the commenter believes that BLM has been evaluating alternative methods and designs at other locations.	Please see Master Response 2.
23-15	U.S. Environmental Protection Agency	The comment requests that the Final PA/EIS/EIR include the latest drainage, grading, sedimentation, erosion, and stormwater plans for EPA review.	Please see Master Response 8.

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Index Number	Commenter Organization	Summary of Comment	Response
23-16	U.S. Environmental Protection Agency	The comment requests that the locations of stormwater control features be provided, and how they would affect upstream and downstream flow.	Please see Master Responses 2 and 8. The results of modeling of stormwater flow and its effect on downstream areas are provided in Sections 3.20.1.2, 4.7.4 (CEQA impacts GEO-10 and GEO-11), and 4.20.3.1 (pg. 4.20-11) of the Draft PA/EIS/EIR.
23-17	U.S. Environmental Protection Agency	The comment requests that the PA/EIS/EIR quantify the acreage to be mowed versus disk and rolled for each alternative, and discuss how each technique would affect site hydrology.	Please see Master Responses 2 and 8. The relative benefits of mowing, disk and roll, and grading with respect to stormwater management are discussed in Sections 2.3.4.3, 2.3.7.9, 2.4, 2.5, 2.6, 4.3.3.1, 4.7.3.1, and 4.20.4 of the Draft PA/EIS/EIR.
23-18	U.S. Environmental Protection Agency	The comment requests that the PA/EIS/EIR discuss site preparation methods under consideration at other nearby solar projects, including Crimson. The comment requests that the feasibility of using dual-axis panels be evaluated.	Alternative construction methods were discussed in Section 2.9.2.2 and in Table 2.7 of the Draft PA/EIS/EIR.
23-19	U.S. Environmental Protection Agency	The comment requests that BLM consider a design to maximize unimpeded flows during anticipated storm events, such as breakaway fencing at drainage crossings.	Mitigation measure WATER-2 has been revised in Appendix G of the Final PA/EIS/EIR to require breakaway fencing at drainage crossings. The revision is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revision does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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Index Number	Commenter Organization	Summary of Comment	Response
23-20	U.S. Environmental Protection Agency	The comment identifies discrepancies between the areas of cut and fill shown in Figure 2-8, and the statement in the 2011 Drainage Plan (Appendix V) that the pooling areas would be used to manage stormwater flow, and requests that this discrepancy be addressed.	To clarify the purpose of grading, text on Draft PA/EIS/EIR pages 2-14, 2-28, and 4.7-6 were modified in the Final PA/EIS/EIR. The purpose of grading is not to avoid stormwater water pooling, but to reduce mounds, create an even grade, and reduce the depth of some of the deeper depressions so that solar panels placed in these areas would not be flooded. In addition, the storage capacity of the depressions is only one factor in attenuating stormwater flows. Sections 4.20.3.1, 4.20.4, and 4.20.6 of the Final PA/EIS/EIR each discuss the implementation of retention basins that would increase onsite stormwater storage. Therefore, the original analysis of the efficacy of the depressions in attenuating stormwater flow is accurate. The correction is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the correction does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
23-21	U.S. Environmental Protection Agency	The comment states that other solar projects have proposed to use decompaction between rows of solar panels to increase infiltration, whereas this project proposes compaction to reduce erosion. The comment requests that the advantages and disadvantages of each of these methods be discussed in the PA/EIS/EIR.	Please see Master Responses 2 and 8. The site preparation plan the applicant will develop prior to construction review and approved by the BLM will specify to what degree of compaction the Applicant is proposing. The review criteria of this plan will include reduction of erosion, minimize natural flow, sedimentation, scour, and fugitive dust.
23-22	U.S. Environmental Protection Agency	The comment requests that at-grade crossing be used, where possible, to minimize impacts to active washes.	Mitigation measure WATER-2 in Appendix G of the Final PA/EIS/EIR has been revised to require at-grade crossings. The revision is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revision does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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Index Number	Commenter Organization	Summary of Comment	Response
23-23	U.S. Environmental Protection Agency	The comment requests that the PA/EIS/EIR discuss how adaptive management would be used to evaluate the effectiveness of erosion and sedimentation control measures.	Mitigation measure WATER-2 in Appendix G of the Final PA/EIS/EIR has been revised to refer to adaptive management adjustments. The revision is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the revision does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
23-24	U.S. Environmental Protection Agency	The comment cites PA/EIS/EIR text regarding the potential for the project to modify downstream stormwater flow and sedimentation rates. The comment requests that the Final PA/EIS/EIR confirm the conclusion in the Draft PA/EIS/EIR regarding potential indirect impacts to the Colorado River.	The results of modeling of stormwater flow and its effect on downstream areas are provided in Sections 3.20.1.2, 4.7.4 (CEQA impacts GEO-10 and GEO-11), and 4.20.3.1 (pg. 4.20-11) of the Draft PA/EIS/EIR. The potential for the project to contribute stormwater to the PVID drainage system is addressed in Section 4.18.6 of the Draft PA/EIS/EIR.
23-25	U.S. Environmental Protection Agency	The comment cites the inclusion of the Palo Verde Outfall Drain and Lagoon on the 2017 303(d) list of impaired waters, and requests that the PA/EIS/EIR evaluate any potential indirect impacts of the project on this area, identify potential mitigation measures, and identify monitoring protocols and water quality thresholds.	The listing of the Palo Verde Outfall Drain and Lagoon on the 303(d) list is addressed in Draft PA/EIS/EIR Section 3.20.1.2, and the potential for the project to contribute stormwater to the PVID drainage system is addressed in Section 4.18.6. The drainage system is located five miles from the project, and the impairment is due to chemicals used in agriculture, none of which would be associated with construction or operation of the project. Therefore, impacts would be unlikely and monitoring is not warranted.
23-26	U.S. Environmental Protection Agency	The comment requests that information on the Power Purchase or Generator Interconnection Agreement be provided, so that the commenter can review whether the reduced generation of 285 MW on the Reduced Project Alternative fits within the scope of those agreements.	These agreements have not been provided by the Applicant. Draft PA/EIS/EIR Section 1.3.2 states that the objective is to generate “up to” 450 MW. The generation of 285 MW is not outside of this parameter.

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Index Number	Commenter Organization	Summary of Comment	Response
23-27	U.S. Environmental Protection Agency	The comment requests that the Reduced Project Alternative be modified to meet all CMAs, and that Executive Summary highlight the CMAs that would not be met by all of the alternatives evaluated.	Please see Master Response 4.
23-28	U.S. Environmental Protection Agency	The comment requests that the Applicant implement a phased approach in which the Reduced Project Footprint is developed first, and that subsequent soil disturbance be contingent on and proportional to the existing Power Purchase Agreement.	BLM does not dictate how companies develop rights-of-way. The BLM allows for phasing of construction, and phasing is specifically envisioned in some mitigation measures (see WIL-1 and PAL-2 of the Appendix G of the Final PA/EIS/EIR). The applicant has not proposed to phase construction, however they will refine the plan of development and schedule if the BLM makes a decision to issue a ROW grant, and this may include phasing.
23-29	U.S. Environmental Protection Agency	The comment requests that BLM require prompt reclamation of any graded areas that are not put into service as planned.	Mitigation measure VEG-8.19 of the Appendix G of the Final PA/EIS/EIR addresses revegetation of temporarily disturbed areas, and states that it shall be implemented within 30 days following completion of construction.
23-30	U.S. Environmental Protection Agency	The comment request that additional information regarding the ESSs be provided, including their management as a hazardous waste, the number of and acreage covered by ESSs, the energy needs of the ESSs, the impacts to site hydrology as a result of an increase in impervious surface, and the extent to which their energy needs could be reduced by placing solar panels on top of them.	Additional information regarding the ESSs has been added to Section 2.3.3.2 of the Final PA/EIS/EIR. The additional description information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.

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Index Number	Commenter Organization	Summary of Comment	Response
23-31	U.S. Environmental Protection Agency	The comment notes that USFWS and CDFW are the lead agencies with respect to species and habitat protection, but offers recommendations. The comment requests that the Final PA/EIS/EIR include an update on the status of the Section 7 consultation process, including any additional mitigation or monitoring that has resulted.	The up-to-date status of Section 7 consultation has been added to Section 6.3 of the Final PA/EIS/EIR. The updated information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the updated information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
23-32	U.S. Environmental Protection Agency	The comment requests that the Final PA/EIS/EIR differentiate between, and provide separate quantitative analyses for, impacts to the sand corridor, stabilized sand dunes, and other potential sand sources.	Please see Master Responses 6a and 6b.
23-33	U.S. Environmental Protection Agency	The comment requests that the Final PA/EIS/EIR and the Drainage Report (Appendix V) include an analysis of the siting of the project near a sand transport corridor and on up to 40 acres of stabilized sand dune.	Please see Master Responses 6a and 6b.
23-34	U.S. Environmental Protection Agency	The comment requests that the PA/EIS/EIR define the size of a desert tortoise movement corridor surrounding the project, to compare the size of the corridor to other approved solar projects, and to explain the impact of any difference in the sizes of the corridors.	Figure 3.4-11 has been developed to show the situation of the Project with respect to the DRECP Tortoise Conservation Areas and associated linkage corridors. The figure shows that the Project does not overlap any of the TCAs or linkage corridors.

Desert Quartzite Solar Project Responses to Public Comments			
Index Number	Commenter Organization	Summary of Comment	Response
23-35	U.S. Environmental Protection Agency	The comment requests that the Final EIS provide updates on the status of consultation between BLM and tribal governments, including issues raised, how those issues were addressed, and how impacts will be avoided or mitigated.	The up-to-date status of tribal consultation has been added to Section 6.3 of the Final PA/EIS/EIR. The updated information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the updated information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
24-1	U.S. Fish and Wildlife Service	The comment provides a summary description of the project, as well as nearby solar projects.	The description of the project in the comment is accurate, and does not require a specific response.
24-2	U.S. Fish and Wildlife Service	The comment summarizes the legal role of the USFWS, and the basis of the information used to review and comment on the PA/EIS/EIR.	The comment introduces the background and role of the commenter. The comment is acknowledged and does not require a specific response.
24-3	U.S. Fish and Wildlife Service	The comment states that the commenter recognizes the need for renewable energy development, and understands the need for balancing solar development with conserving natural resources.	The commenter's general support for renewable energy is acknowledged and does not require a specific response.
24-4	U.S. Fish and Wildlife Service	The comment states that the commenter has received BLM's request for formal consultation regarding the desert tortoise, and will work with BLM to develop avoidance and minimization measures for the Biological Opinion.	The statement that the commenter will work with BLM to develop mitigation measures is noted, and does not require a specific response.
24-5	U.S. Fish and Wildlife Service	The comment summarizes the extent of the expected impacts to suitable desert tortoise habitat, and states that the mitigation measures presented in the PA/EIS/EIR will help to reduce adverse effects and minimize the impact of any potential take. The comment summarizes these measures.	The summary of the impacts to the desert tortoise and the proposed mitigation measures, is accurate. No specific response is needed.

Desert Quartzite Solar Project Responses to Public Comments			
Index Number	Commenter Organization	Summary of Comment	Response
24-6	U.S. Fish and Wildlife Service	The comment notes that the PA/EIS/EIR refers to the cumulative effects areas as the Colorado Desert Recovery Unit, but that Figure 4.1-1 depicting the cumulative impacting projects does not show the entire recovery unit. The comment requests that a figure depicting the entire recovery unit be provided.	Figure 4.1-1 has been revised in Appendix D of the Final PA/EIS/EIR to show the Chuckwalla Critical Habitat Unit (CHU), which is the closest subunit of the larger Colorado Desert Recovery Unit. The inclusion of the Chuckwalla CHU on the map is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the additional information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
24-7	U.S. Fish and Wildlife Service	The comment states that a review of Figure 4.1-1 shows that, if all of the projects are built, desert tortoise linkages between the Mule Mountains and areas north of I-10 would be constrained. The comment requests that the document present a discussion of how a wildlife linkage connecting areas north and south of I-10 is to be maintained, or it is not to be maintained, what the effect would be on the desert tortoise.	Figure 3.4-11 has been developed to show the situation of the Project with respect to the DRECP Tortoise Conservation Areas and associated linkage corridors. The figure shows that the Project does not overlap any of the TCAs or linkage corridors. The outlines of the solar projects shown on Figure 4.1-1 in Appendix D of the Final PA/EIS/EIR are the entire application areas, including gen-tie corridors, and, as a result, appear to show larger blockage for wildlife movement than actually exists. Each individual project, like DQSP, is micro-sited within its application area to minimize impacts to habitat and wildlife corridors. The gen-tie lines do not block tortoise movement. As discussed in the Draft PA/EIS/EIR Section 3.4.1, the Mule Mountains ACEC was established for management of prehistoric resources, not wildlife. And although the map appears to show projects between the Mule Mountains and areas to the north, there are no projects between the Mule Mountains and the Chuckwalla ACEC to the southwest. Finally, as discussed in the Draft PA/EIS/EIR Section 3.4.1, the project is not mapped as predicted tortoise habitat in habitat layers for DRECP. As a result, it is unlikely that the presence of the project inhibits movement of tortoises between the Mule Mountains and areas to the north.

Desert Quartzite Solar Project Responses to Public Comments			
Index Number	Committer Organization	Summary of Comment	Response
24-8	U.S. Fish and Wildlife Service	The comment summarizes the setting of the project with respect to the Pacific Flyway, and states that solar projects in the area are reporting avian mortalities resulting from collisions with project features. The comment observes that the discussion of avian mortality results from other projects relied only on the raw data, and did not account for searcher efficiency and carcass persistence. The comment recommends that a newer study (WEST 2018) be used to update the analysis in the PA/EIS/EIR.	The new study has been acquired, and information has been incorporated into the Final PA/EIS/EIR. The updated information is not a substantial change in the proposed action or significant new information that would require a supplemental EIS under 40 CFR § 1502.9(c). Also, the updated information does not change any significance determination, and does not present new information that would warrant recirculation of the Draft EIR pursuant to 14 CCR Section 15088.5.
24-9	U.S. Fish and Wildlife Service	The comment states that the reference to a five year monitoring period at Desert Sunlight is in error, and the period was actually two years. The comment requests that the text be corrected, or an explanation for the discrepancy provided.	The Excel file provided to BLM lists results at Desert Sunlight from 2011 to 2016.
24-10	U.S. Fish and Wildlife Service	The comment states that the project is likely to contribute to an increase in avian fatalities. The comment request that additional measures be required, including a nesting bird management plan, underground distribution lines, use of monopoles, marking of fences, minimizing perching opportunities, and avoiding use of guy wires.	Please see Master Response 7. The Draft PA/EIS/EIR, Appendix G: - Mitigation Measures includes VEG-8: Avoidance of Biological Resources During Construction, which includes a Nesting Bird Monitoring and Management Plan as well as WIL-6: Bird and Bat Conservation Strategy (BBCS). The BBCS includes specific conservation measures that will be employed to avoid, minimize, and/or mitigate any potential adverse effects to these species.
24-11	U.S. Fish and Wildlife Service	The comment thanks BLM for the opportunity to review the PA/EIS/EIR, and provides contact information if the agency has any questions.	The conclusion to the comment letter is acknowledged and does not require a specific response.

Master Responses

Master Response 1: Control of Windblown Dust

Comment Summary. Several commenters (including the U.S. EPA) noted concerns that excessive fugitive dust may be generated during construction and operation of the Desert Quartzite Solar Project (DQSP). Windblown dust is a concern due to the arid desert setting, which is exposed to occasional high winds, and the ground disturbance that would occur with the construction and operation of the Project, which would pulverize the soil surface of the site and increase the ability for particulate matter (PM10 and PM2.5, or dust) to become entrained with the ambient air. Commenters note that the air basin has a history of nonattainment with the ambient air quality standards for PM10, and the Project area itself is classified as non-attainment for the State PM10 standard.. Some comments describe the intensity of dust storms that occur in the region.

Comments also reflect concerns about solar project construction in the region in recent years. Some comments state that recent trends in solar development have created a history of higher than expected dust emissions in the area. Comments note the possibility that the nearby Crimson, Palen, Modified Blythe, McCoy, SCG Blythe solar projects may be under construction at the same time as the DQSP.

Response. The Draft PA/EIS/EIR acknowledges that fugitive dust emissions are a concern for air quality and visibility in the area, and the construction activities under the Proposed Action could cause direct and adverse effects due to high quantities of potential dust emissions (Air Resources, Section 4.2.3.1). Regionwide air quality effects caused by the recent trends in solar development are also documented through previous BLM Policies, Plans, and Programs including the Western Solar Plan and DRECP Land Use Plan Amendment (LUPA), and the environmental analyses for those efforts (see PA/EIS/EIR Appendix E for the relationship between the DQSP and the Western Solar Plan and DRECP LUPA).

In response to the dust generated by the Proposed Action, the Draft PA/EIS/EIR presents a wide suite of dust controls including steps for dust plume response as mitigation, primarily in Mitigation Measures AQ-1 and AQ-3. The Mojave Air Quality Management District (MDAQMD) specifically concurred with Mitigation Measures AQ-1, AQ-2, AQ-3, and TRN-4. In addition, Mitigation Measure

Although these measures provide various ways to feasibly reduce and avoid dust emissions, and operation-phase dust emissions would be minimal, the PA/EIS/EIR conservatively informs decision-makers and the public that, after implementation of the mitigation measures, the residual construction emissions would contribute to existing exceedances of the California ambient air quality standard for PM10. The PA/EIS/EIR conservatively concludes that this potential to violate the standard would remain a significant and unavoidable impact, although it would be a temporary impact occurring only during the construction period.

Master Response 2: Control of Project Grading

Comment Summary. Several commenters requested more specific information regarding proposed grading on the project site, including the specific locations within the project boundaries where grading would be required.

Response. In APM-BIO-3 and PA/EIS/EIR Section 2.3.4.3 (Site Preparation), the Applicant has committed to minimizing grading and vegetation removal for the Project. Specifically, the Applicant stated that the preferred methods for site preparation would be either mowing or a disk contour grade and roll method and compaction of vegetation throughout approximately 88 percent of the Project area. These methods are preferred because they would leave topsoil and vegetative matter in place. Cut and fill would be used in limited areas (approximately 12 percent) to eliminate large mounds, maintain a consistent grade throughout the Project site, and reduce the depth of depressions so that flooding will not affect solar panels placed in them. No grading within California Department of Fish and Wildlife (CDFW) jurisdictional streams is anticipated. While proposed grading is limited, much of the solar field would be impacted by some form of ground disturbance, either from compaction, micro-grading, or a disc-and-roll technique. When feasible, construction activities would implement drive and crush rather than grading, reducing the amount of ground that would be scrapped and left bare. Instead, construction equipment would drive over and crush native plants to minimize impacts to the roots of desert shrubs.

The specific locations and extent of proposed grading are contingent on final site layout, final engineering, and hydraulic modeling. The Applicant must provide grading plans to the BLM and Riverside County for review and approval prior to site mobilization; see Mitigation Measure WATER-2 (Comprehensive Drainage, Stormwater, and Sedimentation Control Plan) and WATER-3 (Flood Safety Plan). Regarding the concern about dust control, grading, and project phasing, Mitigation Measure VEG-11 (Project Phasing) requires the applicant to limit disturbance areas and ground disturbance activities to each phase of construction, if construction of the project is planned in phases. In addition, Mitigation Measure VIS-4 (Decommissioning and Site Restoration Plan) requires the Applicant to implement reclamation activities as soon as possible after disturbances occur.

Master Response 3: Project Effects on Visual Resources

The affected environment for visual resources is described in PA/EIS/EIR Section 3.19. Effects on Visual Resources are analyzed in the PA/EIS/EIR in Section 4.19.

Comment Summary. Comments on the Visual Resources section of the PA/EIS/EIR suggest: (1) the analysis downplays the Project's impacts and fails to adequately assess the impacts on nearby ACECs and wilderness areas; (2) a different Visual Resources Management (VRM) Classification and Scenic Quality Rating should be used to evaluate the impact of the Project; (3) additional Key Observation Points (KOPs) and simulations are needed; (4) the analysis does not adequately characterize the night lighting impacts on the dark sky viewing environment; and (5) the analysis does not adequately address the cultural implications of the Project's impact on views from the culturally sensitive Mule Mountains. These concerns are addressed in the following paragraphs.

Response.

Effects on ACECs and Wilderness. As discussed in Subsection 4.19.1.2, KOP locations were specifically selected to ensure that sensitive viewing locations such as residences and special designation areas were considered in the analysis. As acknowledged in Section 4.19.3 Direct and Indirect Impacts, subsection titled Impacts to Special Designations, the Project would result

in high levels of visual contrast when viewed from certain locations, and in those cases, would not be consistent with the applicable VRM Class III management objective (level of change should not exceed moderate). Locations where VRM Class III inconsistency occur include: (1) KOP 1 on Interstate 10; and (2) elevated viewpoints including KOP 2 in the Chuckwalla Desert Tortoise ACEC, KOP 3 in the McCoy Mountains, and KOP 4 in the Mule Mountains. All of these cases of VRM Class III inconsistency will be subjected to the mitigation measures presented in Appendix G.19 including:

- BLM's Best Management Practices (BMPs);
- VIS-1 Project Design, Building, and Structural Materials;
- VIS-2 Construction Phase Visual Mitigation;
- VIS-3 Operation and Maintenance Phase Visual Mitigation;
- VIS-4 Decommissioning and Site Restoration Plan.

In all of these cases, however, the residual visual impact due to the general level of visual contrast of the Project in the landscape would remain adverse after mitigation (due to the scale of the Project) and inconsistent with the VRM Class III Management Objective.

VRM Classification. Some comments requested that the Project be evaluated according to VRM Class II management objectives because the Project would impact nearby ACECs and Wilderness Areas. However, it is important to remember that evaluations of RMP VRM Class Objective compliance are based on the VRM Class Objective(s) for the area physically affected by the Project, not the VRM Class Objective(s) on adjacent lands. Even so, from nearby ACECs such as the Mule Mountains, the Project has already been found to be inconsistent with the VRM Class III management objective. Therefore, analyzing the Project according to the Class I or Class II management objectives would not change the findings, which are that the Project would be inconsistent at those locations.

Selection of KOPs. Some comments have requested additional KOPs and simulations, including KOPs closer to the project area, simulations from higher elevations, dark sky simulations, and simulations of construction activities.

It is important to remember that the selected KOPs are intended to be representative of similar viewing locations and circumstances and generally include commonly traveled routes or at other likely observation points. Factors considered in selecting KOPs include: angle of observation, number of viewers, length of time the project is in view, relative project size, season of use, and light conditions. The KOPs utilized for the Project include close-proximity (KOP 1 at I-10 and KOP 3 in McCoy Mountains) and distant (KOP 7 at Ripley), at-grade views and elevated views (KOP 3 at McCoy Mountains and KOP 4 at Mule Mountains). In general, the additional KOPs recommended include locations from which there would be expected to be few or no viewers. In addition, while adding more KOPs would provide some additional examples of the type of impact or VRM Class consistency already documented with the selected KOPs, the additional KOPs would not change the impact conclusions or provide greater understanding of the Project impacts.

Night Skies. With respect to the potential night lighting impact on the dark sky viewing conditions, the PA/EIS/EIR acknowledges that Project night lighting would affect the nighttime experience for dispersed recreational users in the surrounding area. Mitigation Measure VIS-1

(Project Design, Building, and Structural Materials) would ensure that Project night lighting does not adversely affect dark sky viewing.

Impact on View from Mule Mountains. The analysis of visual resource impacts in Section 4.19.3.1 specifically included KOP 4, in the Mule Mountains ACEC. Several parts of the Draft PA/EIS/EIR specifically reference cultural resources as the basis for establishing the Mule Mountains ACEC, including Sections 3.4.1, 3.14.1.2, 3.16.1.5, and 4.16.3.1.

Master Response 4: Consideration of Plan Amendment Issues

Comment Summary. Several comments note that, as part of the Federal Land Policy and Management Act (FLPMA), Congress designated the California Desert Conservation Area (CDCA). The comments highlight the management principles of the CDCA Plan, which includes multiple use, sustained yield, and the maintenance of environmental quality. Section 501(a)(4) of FLPMA specifically authorizes BLM to issue ROW grants for the generation, transmission, and distribution of electric energy. The comments also note that FLPMA and the CDCA Plan require that a plan amendment be prepared before renewable energy projects can be approved, because these projects were not anticipated in the CDCA Plan. Many comments state that the Draft PA/EIS/EIR did not consider the impacts at the landscape level.

Response. The PA/EIS/EIR describes in detail in Chapter 1 that a plan amendment is required for the DQSP. Specifically, PA/EIS/EIR Sections 1.6 and 3.10.1.3 describe the relationship of the project to the CDCA Plan and its amendments. Section 3.10.1.3 discusses how the CDCA Plan establishes multiple use classes, multiple use class guidelines, and plan elements for specific resources or activities, such as motorized vehicle access, recreation, and vegetation. As discussed in Appendix E, while the CDCA Plan, as amended by the DRECP LUPA, has eliminated the multiple use classes, the Proposed Action is analyzed under the classes because it is not subject to the DRECP LUPA. The Plan Amendment, required for the DQSP is described in Section 1.6.4, but the analysis of the plan, i.e., the analysis of changing the existing multiple uses of the project to the one specific use as a solar project, is found throughout the entire PA/EIS/EIR. Section 1.6.4 also describes the plan amendment process.

Impacts to the multiple uses including recreation, environmental resources, special land use designations, archaeological resources, other economic resources, are described in detail in the associated sections of the PA/EIS/EIR. For example:

- The loss of recreation including loss of trails is described in Section 4.14, Recreation, and Section 4.17, Transportation and Traffic;
- The loss of the use of the site as vegetation and wildlife habitat is described in Section 4.4; and
- The indirect loss of scenic vistas and viewsheds is described in Section 4.19, Visual Resources.

Mitigation measures are recommended in the PA/EIS/EIR to ensure that impacts to multiple use and the effects to the environmental quality of the site and surrounding areas were reduced. In addition to being required by NEPA, these measures ensure that the BLM responds to the national priority for resource use including energy development without compromising basic

resources such as soil, air, water, and vegetation or public values such as wildlife, cultural resources and desert scenery.

Additionally, Section 4.10, Lands, Realty, and Agriculture and Forestry Resources, describes the effects of the project to the Multiple Use Class themselves and Section 4.16, Special Designations, describes the effects of the project to special designations. Several comment letters requested that alternative sites that would not require a plan amendment be analyzed. As noted in Section 2.9.2.1, the BLM considered, but did not fully analyze, alternative sites that would not have required a Plan Amendment. These alternatives were eliminated from detailed analysis because they would not avoid or substantially reduce the adverse impacts of the DQSP, because they would not meet DQSP objectives or the BLM's purpose and need for the Project, or otherwise were not reasonable alternatives due to their comparable or greater impacts.

While it is correct that the CDCA Plan would require a Plan Amendment for the DQSP, it would not be correct for the decision makers to ignore two major subsequent regional planning documents, the Western Solar Plan (BLM 2012) and the Desert Renewable Energy Conservation Plan (DRECP) LUPA (BLM 2016) found the site appropriate for renewable development. As highlighted in Section 4.16, there are no current special designations on the proposed solar plant site other than the Solar Energy Zone and Development Focus Area.

By incorporating the appropriate updated baseline information from the DRECP EIS, the PA/EIS/EIR does consider the landscape level analysis. Because the project is in a DRECP LUPA Development Focus Area, it is compatible with the current landscape level management decisions.

The CDCA Plan included decisions from the Northern and Eastern Colorado Coordinated Management Plan (NECO Plan). The NECO Plan, which amended the CDCA Plan, is addressed in Section 1.6.3. This section states that the NECO Plan amended the CDCA Plan in 2002 to make it compatible with desert tortoise conservation and recovery efforts. The NECO Plan is a landscape-scale planning effort that covers most of the California portion of the Sonoran Desert ecosystem, including over 5 million acres and two desert tortoise recovery units. The Proposed Action and alternatives are consistent with the NECO plan: the DQSP is not within a then-designated Desert Wildlife Management Area (DWMA) for desert tortoise or bighorn sheep, and it is not in a wilderness area. (DWMAs were not carried forward into the DRECP LUPA, and were incorporated into Areas of Critical Environmental Concern [ACECs] where they met the criteria set forth in BLM regulation and policy.) Other special designations proposed under the NECO provide management priorities but do not prohibit multiple use of the land, including solar energy development or other rights-of-way.

Master Response 5: Alternatives

Response 5a: Purpose and Need, and Range of Alternatives

Comment Summary. Some commenters stated that the Purpose and Need is artificially narrow and the range of alternatives considered in the PA/EIS/EIR is not legally adequate, in compliance with NEPA and CEQA requirements. Several commenters describe that the alternatives analysis in the PA/EIS/EIR is not adequate. In both cases, commenters requested that the deficiencies be addressed, and the document be re-circulated for public review.

Response. PA/EIS/EIR Sections 2.3 through 2.7 describe the alternatives retained for analysis, and Section 2.9 describes those eliminated from detailed consideration.

BLM has discretion in defining the purpose and need of the proposed action (40 CFR 1502.13). As explained in Section 6.2.1 of the BLM NEPA Handbook H-1790-1, a carefully crafted purpose and need statement can “increase efficiencies by eliminating unnecessary analysis and reducing delays in the process.” The statement of purpose and need dictates the range of alternatives, because action alternatives are not “reasonable” if they do not respond to the purpose and need for the action.

The BLM’s purpose and need for the proposed action, as stated in Section 1.3, BLM Purpose and Need, is consistent with applicable law and BLM policy. It is based on two key considerations: (i) the potential action the BLM could or would take on the specific proposed action; and (ii) the response of the BLM in meeting specific directives regarding the implementation of renewable energy projects on federally-managed lands. The primary action that BLM is considering is a response to a specific ROW grant application from the Applicant to construct and operate a specific solar project on a specific site managed by the BLM. As a result, the BLM determined that a key purpose of this project was to determine whether to approve, approve with conditions, or deny that ROW application for the Proposed Action. This allowed the BLM to consider three alternatives on the project site and the No Action alternative. While the purpose and need lists other renewable energy objectives, it also states that the application would need to comply with FLPMA, all applicable BLM regulations, and applicable Federal laws and policies, including those listed in the comments.

EIS/EIR subsection 2.9, Alternatives Considered but Eliminated from Detailed Analysis, considered both offsite alternatives and a distributed generation alternative. While the PA/EIS/EIR lists the Applicant’s objectives, this list does not limit the range of alternatives analyzed. The PA/EIS/EIR evaluates a reasonable range of alternatives that would reduce project impacts.

The PA/EIS/EIR fully complies with NEPA requirements, which direct the BLM to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources” (NEPA § 102(2)(E)). A discussion of alternatives need not be exhaustive. What is required is information sufficient to permit the BLM to make a “reasoned choice” among alternatives so far as environmental aspects are concerned. Consideration of actions and plan amendments unrelated to the Proposed Action, in order to achieve resource protection or other objectives, is not appropriate.

Similarly, the PA/EIS/EIR fully complies with CEQA requirements. CEQA does not require the EIR to consider every conceivable alternative but rather provide a reasonable range of potentially feasible alternatives to foster informed decision making and public participation. (CEQA Guidelines § 15126.6(a)). Although CEQA requires that an EIR identify alternatives to a project, it does not expressly require a discussion of alternative project locations.” *Mira Mar Mobile Cmty. v. City of Oceanside*, 119 Cal. App. 4th 477, 491 (2004); *Citizens of Goleta Valley v. Bd. of Supervisors*, 52 Cal. 3d 553, 566 (1990) (observing that an agency must consider all onsite alternatives (“different uses of the land under consideration”) and offsite alternatives (“similar uses at different locations”) to the extent that the alternatives in either category “(1) offer substantial environmental advantages over the project proposal; and (2) . . . [are capable of

being] ‘feasibly accomplished in a successful manner’ considering the economic, environmental, social and technological factors involved”). Moreover, the commenter bears the burden of identifying a potentially feasible offsite alternatives when it asserts that one must be considered. “An appellant may not simply claim the agency failed to present an adequate range of alternatives and then sit back and force the agency to prove it wrong.” *Mount Shasta Bioregional Ecology Ctr. v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 199.

Response 5b: Alternatives Analysis Should Include Distributed Generation, Rooftop Solar, and Battery Storage

Comment Summary. Several commenters state that a distributed generation alternative, including rooftop solar, and/or battery storage, should have been retained for detailed analysis. Other commenters stated that California’s renewable energy portfolio is “top-heavy with remote utility-scale solar,” which can result in a generation imbalance based on solar generation not matching our peak demand periods, and periods of overgeneration where not all solar can be utilized by the electricity grid.

Response. As noted in the PA/EIS/EIR, Section 2.9.2.4, Table 2-8, additional alternatives were considered. Distributed solar technology was considered, but eliminated from detailed analysis in the PA/EIS/EIR. As described in Section 2.9.2.4, Table 2-8, it was determined that alternatives incorporating distributed generation with utility-scale generation, or looking exclusively at distributed generation, do not respond to the BLM’s purpose and need for agency action, which is focused on the siting and management of utility-scale solar energy development on public lands.

Various agency publications identify the need to increase renewable generating capacity from distributed generation and utility-scale sources. While distributed generation could be an alternative for any individual project, with more than 10,500 MW of distributed generation throughout the state, it would not, by itself achieve the RPS goals. Governor Jerry Brown’s office, in defense of another utility-scale solar project, noted that “California has determined . . . that the state can achieve its aggressive renewable energy and greenhouse gas reduction targets only by taking a multi-pronged development approach. . . . ‘Distributed solar must be viewed as a partner, not a competitor or replacement for utility scale solar.’ . . . [L]arge scale solar projects are needed to work in concert with renewable technologies such as wind, geothermal, biomass, tidal energy, and wave energy to meet California’s RPS and greenhouse gas emission reduction goals.”¹

Similarly, BLM, as a matter of policy, decided to authorize utility-scale renewable energy on its lands (see Section 1.3, Purpose and Need for the BLM’s management objectives regarding

¹ Amicus Curiae Memorandum of Governor Edmund G. Brown Jr. in Opp’n to Pl.’ Mot. for Prelim. Inj., *W. Watersheds Project v. Salazar*, No. 2:11-cv-00492-DMG-E at 10 (C.D. Cal. Jul. 19, 2011) (citations omitted); see also http://www.drecp.org/meetings/2011-10-12_meeting/presentations/Governor_Brown_Renewable_Energy_Statement_10-12-2011.pdf (statement of Governor Jerry Brown, declaring that good policy requires “meeting our electrical supply needs from both large central station power sources, and from distributed generation. Utility-scale power plants can take advantage of economies of scale early in the growth of new technologies. And, as large purchases of solar panels for building utility-scale projects have caused manufacturers to increase their production capacity, . . . the growing supply (and competition) are bringing the price of components down to a level that make them more affordable in smaller applications.”).

renewable energy). The court in *Western Watersheds Project v. Salazar* thus aptly observed that the suggestion that distributed generation is a feasible alternative to utility-scale solar projects involves a policy fight that utility-scale project opponents “lost when state and federal executives and legislatures enunciated goals and adopted measures relating to renewable energy in support of [utility-scale solar projects.]” No. 2:11-cv-00492-DMG-E, slip op. at 39 (C.D. Cal. Aug. 10, 2011). A distributed generation project cannot accomplish the same objectives as a utility-scale project and one is thus not a feasible alternative for the other.

It is correct that California sometimes generates an oversupply of renewable energy. The system operator works to make room to allow renewable energy onto the grid, but sometimes needs to curtail generation of solar and wind power. Rooftop solar, including “behind-the-meter” generation would not eliminate the challenge of oversupply, because rooftop solar would follow a similar hourly profile and contribute to the decrease in California’s net load in the middle of the day.

The oversupply and operational challenges that lead to occasional curtailment are the result of California’s successes in transforming its power mix. The issue of oversupply is within the planning purview of California’s energy agencies (California Public Utilities Commission [CPUC] and California Energy Commission [CEC]). These agencies oversee procurement of new and more-flexible resources and increasing the regional coordination for exporting power, among other solutions. For example, the CPUC’s long-term planning proceedings provide a forum for considering the competing values of low-cost renewable energy and minimizing the economic effects of curtailment compared with other energy resource options like energy efficiency, storage, demand reduction and load shifting. Occasional oversupply can be managed by curtailing the project’s generating output or exporting the power to neighboring loads across the Western states region. The benefits of increased regional coordination include more efficient use of California’s renewable energy, reduced carbon emissions, and more efficient use of the transmission grid. Occasional curtailment or export of the project’s electrical output would not result in any direct or indirect project-specific effects on the environment.

Master Response 6: Impacts to Sand

Response 6a: Impacts to the General “Regional Sand Corridor”:

Comment Summary. Several comments objected to the discussion of sand transport networks in Section 3.3.1.2, stating that the discussion:

- Relies on regional studies to reach conclusions regarding the past operation of the sand transport corridor, when the agencies could have reached the same conclusion about no project impacts to a regional sand corridor using the site-specific Kenney (2017) report;
- Unreasonably de-emphasized the Kenney (2017) report simply because it has not been peer-reviewed;
- Assumes conditions that are not present on the site, including the accuracy of the Zimbelman (1995) theory of a regional sand transport corridor;
- Implies that there is a regional corridor, when the later text concludes that there is no regional corridor; and
- Presents the Zimbelman (1995) hypothesis as a prevailing theory.

Response. It is true that the discussion of the project's impacts to sand deposits is based on both an analysis of regional-scale literature and maps, and on the site-specific mapping by Kenney (2017), among others. The BLM disagrees with comments that the PA/EIS/EIR should have relied only on the Kenney (2017) report, and did not need to cite more regional literature and maps. The issue of sand transport in the project area, including project-related impacts to sand deposits and associated habitats, is an emerging issue on which, as many commenters point out, the historical literature is incomplete and, in some cases, inaccurate. These inaccuracies in the existing literature continue to be cited in environmental analysis documents, as well as in public and agency comments on those documents. Providing an impact analysis based only on Kenney (2017), especially when the conclusions of Kenney (2017) refute those of some previous authors, can only serve to continue the confusion. In fact, the Kenney (2017) report itself provided an extensive summary of the former literature, including Zimbelman (1995) as well as citations to more than 170 other studies, so it is appropriate that the PA/EIS/EIR do so as well, where appropriate. In this PA/EIS/EIR, the agencies evaluated the project with respect to both the historical literature and the recent site-specific mapping.

In doing so, it was not the intention of the agency to assume the accuracy of Zimbelman (1995), present Zimbelman (1995) as a prevailing theory, or imply the existence of an active regional corridor. On the contrary, the text in the second paragraph on Page 3.3-5 of the Draft PA/EIS/EIR specifically states that there are two prevailing hypotheses in the literature, one of which is Zimbelman (1995), and then proceeds to describe them both. However, the analysis not only presents substantial evidence refuting the Zimbelman (1995) theory, but stresses that the theory as presented by Zimbelman (1995) regards only the origin of the corridor, and not its current operation. In other words, even Zimbelman (1995) did not imply the system is currently operational, as some commenters assume.

The BLM currently has a gap in knowledge about the source and movement of sand across the entire DFA. It is still debatable whether the sand in the project area originates from Ford Dry Lake. The agency has now funded three projects to clarify the origin and behavior of sand, which should be completed in 2020. In the meantime, the Kenney (2017) report presents a reasonable hypothesis that onsite sand deposits originate from sand sources south of the project area around the west side of the Mule Mountains. The hypothesis for a "sand transport corridor" from the northwest has not been tested. The hypothesis presented in the PA/EIS/EIR, which is that the system does not currently operate as an active sand transport corridor, is not only agreed to by many commenters, but is made stronger by showing that it is consistent with both the current mapping by Kenney (2017) and the past researchers, including Zimbelman (1995).

Multiple public and agency comments were based on the Zimbelman (1995) theory, bolstered by text, maps, and CMAs in DRECP that the commenters have interpreted to demonstrate that the sand transport corridor is regional in nature and is active, and therefore that activities in one part of the corridor could potentially impact sand-dependent resources in another part. These comments conclude that, due to these indirect impacts, the project should be configured, or alternatives should be evaluated, that completely avoid sand deposits.

It is true that DRECP provided CMAs to avoid or minimize impacts to sand deposits, citing interruption of sand transport to downwind habitats. DRECP also used the phrase "sand transport corridor" to refer to these sand deposits. Separately, DRECP also mapped an area on Figure D-15 as "sand/dunes", and because that area is linear in nature, many commenters have incorrectly inferred that the protection of the "sand transport corridor" referred to in the CMAs

specifically coincides with any project within the mapped “sand/dunes” area on Figure D-15, and thus requires avoidance of this area. However, there is nothing in DRECP that specifically links the CMA protections to the area mapped as “sand/dunes” in Figure D-15. On the contrary, as some comments note, DRECP specifically designates large portions of the mapped “sand/dunes” area as a Development Focus Area (DFA) in which solar development is an allowable land use. Also, none of the CMAs specifically require avoidance of the “sand transport corridor”. Instead, they require mapping and consideration of impacts to sand transport in these areas.

Many of the comments related to sand deposits derive, at least partially, from imprecise language used to describe the local sand deposits in the literature, including in DRECP. One of the mechanisms for the continuing proliferation of the Zimbelman (1995) theory in literature and public and agency comments is the continued use of the phrases “regional sand corridor”, and “sand transport corridor”. One comment requests that the PA/EIS/EIR provide separate quantitative analyses for impacts to the sand corridor, stabilized sand dunes, and other potential sand sources. But use of the term “corridor” implies that the feature is continuous, which is not the case. Various uses of the phrases “sand deposits”, “sand dunes”, “sand corridor”, “stabilized sand dunes”, “sand source”, “sand migration zone (SMZ)”, and others, without specific definitions and delineations of each, have led readers to infer that each is a distinct feature that can be independently defined, delineated, and understood with respect to indirect impacts. This is not the case. Each individual sand feature is unique, with a slightly different origin, function, and contribution to local and/or regional habitats. As a result, an analysis of the direct, indirect, and cumulative impacts to habitats resulting from disturbance of sand deposits requires a specific look at each deposit and its relationship to habitat, as identified through site-specific mapping of both sand deposits and occurrences of special-status wildlife and vegetation species. This is the analysis that is described in subsections 3.3.1.2 and 4.3.3.1 in the Draft PA/EIS/EIR.

Master Response 6b: Specific Impacts to the Palowalla Sand Migration Zone:

Comment Summary. Several comments object to the conclusion of the PA/EIS/EIR that impacts to sand migration in the Palowalla SMZ could potentially result in impacts to Mojave fringe-toed lizard (MFTL) and Harwood’s eriastrum habitat located to the west of the SMZ.

This conclusion was based on two pieces of evidence:

- The mapping of the Palowalla SMZ in the Kenney (2017) report as an area “critically important for eolian systems as a sand source and stabilizing moisture for dune systems”; and
- The observation of Potter and Weigand (2016), at Palen Dunes, that dune fields that appear to be inactive can become active and expand in a short time period.

Response. With respect to the first item, the comments state that the interpretation that the Palowalla SMZ, specifically, acts as a sand or moisture source to support nearby MFTL and Harwood’s eriastrum habitat is taken out of context. However, there was no specific discussion in Kenney (2017) regarding whether some sand and moisture systems were different from others, or what specific dune systems or habitats they supported, if any. Therefore, the Kenney (2017) report provided no basis to understand the significance of its mapping of the area as a critically important sand and moisture source. As a result of this uncertainty, the Draft PA/EIS/EIR, on Page 4.3-12, stated that “The significance of this area . . . is unknown, but it is possible that long-

term occupation of the land area by a solar facility could affect the function of the area, and thus result in an indirect impact to vegetation alliances”. A similar statement is made with respect to the potential for impacts to special-status species plants. Also, Dr. Kenney’s 2018, Geomorphic and stratigraphic evaluation of the stable early to mid-Holocene eolian (windblown) dune systems for proposed Crimson Solar Project, eastern Chuckwalla Valley, Riverside County, California report provides greater detail regarding the significance of dunes and moisture. This report provides relevant information in that the project is adjacent to the proposed Desert Quartzite Solar project and the report even includes areas of overlap with the 2017 Kenney report. In his 2018 report, Dr. Kenney states that, “Although dunes may be considered “dry” systems, in fact, it is the moisture regime in the area that plays a very critical role in their development. This is the case not only for eolian sand sources, but also dune stability. Sand dunes often develop in areas not only because there is a sufficient eolian sand source, but also because there is sufficient infiltrating moisture to allow for the internal core of the dunes to remain moist which greatly decreases the potential for sand bearing wind abrasion (Kenney, 2012; Schaaf and Kenney, 2016).” Dr. Kenney discusses the Palowalla SMZ stating that, “Some small localized dune areas have remained relatively more active as a result of increased eolian sand source due to water diversions (Palowalla SMZ)...”(ES-13). Furthermore, Dr. Kenney further expands on ponding areas writing that, “Ponding areas and playa lakes described above are similar in that they are areas that flood and dry out relatively frequently. The only difference and defined herein, is that “ponding areas” are not sufficiently large enough to be mapped as a playa lake bed. The term “ponding areas” is utilized herein because these smaller scale “lake beds” are locally significant for dune systems but can be overlooked as an area behaving as a playa surface. For example, most of the eolian sands in the eastern Chuckwalla Valley and Palo Verde Mesa are derived from local ponding areas and their associated washes. These include the Wiley’s Well Basin west of the site (Plate 4), the Palowalla Wash ponding area immediately west of the Blythe 21 solar facility (Plate 3A).”

With respect to the inclusion of Potter and Weigand (2016) paper regarding the Palen Dunes, there was similarly no discussion of this study and its relevance to the project area in the Kenney (2017) report, despite the coverage of the Palen area within the geographic scope of the Kenney (2017) report. The additional clarification regarding the differences between the Palen Dunes and those at the project area, including their relevance to the potential for future activation of sand deposits in the project area, will be considered in the final BLM and County decisions. In general, assumptions that Mojave fringe-toed lizard habitat must have mobile dunes are not proven. Other factors include the time frame of dune “mobility”, and whether the mobility is mostly inside the confines of the dune or whether a particular dune is advancing or retreating. A BLM-sponsored study (Jarvis 2009) from the north edge of the range showed that deep sand is not a necessary requirement and that shallower sand sheets are suitable habitat for this species.

Master Response 7: Impacts to Migratory Birds and the Lake Effect

Comment Summary. After completion of construction and throughout the life of the project, the solar facilities, gen-tie line, and other project components may present a collision or electrocution risk to birds.

In addition, it has been hypothesized that, to a bird’s eyes, solar photovoltaic (PV) panels may mimic the reflective and light polarizing characteristics of water. Migrating water birds may

mistake fields of PV panels as water bodies, and consequently be attracted to them. This is referred to as the lake effect hypothesis. The lake effect has recently been postulated as a causal factor in injuries and mortalities of water birds at some solar facilities in the California Desert. Although the specific cause (lake effect, glare, or another cause) is unknown, the avian mortality rate at desert solar facilities is substantially higher than background mortality in the desert. Once at the solar facility, birds may attempt to land on what they perceive as water, and instead collide with solar panels or other structures, resulting in injury or death. Additionally, some water birds require a running start across a water surface to take off. If these birds successfully land at the solar facility, they will be unable to take off again.

Response. Bird collisions with structures typically occur when the structures are invisible (e.g., bare power lines or guy wires at night), deceptive (e.g., glazing and reflective glare), or confusing (e.g., light refraction or reflection from mist) (Jaroslow, 1979). Collision rates generally increase in low light conditions, during inclement weather, during strong winds, and during panic flushes when birds are startled by a disturbance, fleeing from danger, or diving after prey. Numerous golden eagle fatalities have been documented near transmission lines where collisions apparently occurred from striking unmarked wires while diving for prey. Based on information from other solar projects in the California desert we anticipate bird mortality associated with the project may range from a low of 0.4 birds per acre per year up to 1.7 birds per acre per year (BLM Project Files). For the Proposed 3,356-acre solar facility, we anticipate bird mortality between 1,532 and 6,513 birds per year, and attributed to the following circumstances.

Numerous golden eagle fatalities have been documented near transmission lines where collisions apparently occurred from striking unmarked wires while diving for prey (CEC, 2010). In addition, large raptors, such as the golden eagle, red-tailed hawk, and great-horned owl, can be electrocuted by transmission lines when a bird's wings simultaneously contact two conductors of different phases, or a conductor and a ground. This happens most frequently when a bird attempts to perch or take off from a structure with insufficient clearance between these elements. Distribution lines that are less than 69 kilovolts (kV) but greater than 1 kV generally have less spacing than transmission lines, thus posing an electrocution hazard for perching raptors. Configurations less than 1 kV or greater than 69 kV typically do not present an electrocution potential, based on conductor placement and orientation (APLIC, 1996).

The proposed gen-tie line would be 230 kV and would be fitted on top of tubular steel monopole structures up to 135 feet in height. Based on mortality data for another project's gen-tie within the Riverside East SEZ, we anticipate mortality of approximately 24 birds per year per kilometer of gen-tie for the proposed project. With a maximum length of 4.18 miles (6.7 km), the estimated number of bird fatalities would be 161 per year.

Mitigation Measure VEG-8 describes Best Management Practices and other impact avoidance and minimization measures, and would require that all transmission lines and electrical components be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC) Reducing Avian Collisions with Power Lines (APLIC, 2012), Suggested Practices for Avian Protection on Power Lines (APLIC, 2006), and Mitigating Bird Collisions with Power Lines (APLIC, 1994) to reduce the likelihood of large bird electrocutions and collisions. Mitigation Measure WIL-6 would require a Bird and Bat Conservation Strategy to monitor the death and injury of birds; resulting data would be used to inform an adaptive management program intended to avoid and minimize project-related avian impacts.

Regarding the potential for avian mortality from collisions with solar panels, as recognized in the PA/EIS/EIR, some have hypothesized that the panels reflect light and images that birds mistake for open sky or water (described as the “lake effect”). A 2015 review of data collected on avian mortality at solar projects, conducted by Argonne National Laboratory (2015), noted, however, that the methodologies used at each of the ten solar facilities analyzed were not consistent, with variances in monitoring intervals, periods of monitoring, survey methodologies, and a comingling of incidental and systematic observational data (Argonne National Laboratory 2015). The study concluded that it was too speculative to use the existing data to draw any conclusions regarding the influence of the lake effect, or other factors related to mortality of water-dependent birds. The primary results from the study were to recommend development of systematic avian monitoring programs encompassing multiple solar facilities, in order to allow analysis of impacts (Argonne National Laboratory 2015).

As part of the development of the Final PA/EIS/EIR, the agencies acquired more recent bird fatality monitoring data from local solar facilities, and incorporated it into the analysis of impacts to migratory birds in Section 4.4.3.1. This included systematic post-construction monitoring data for Desert Sunlight, McCoy, and Blythe. Although none of the associated monitoring reports drew specific conclusions regarding the lake effect or other solar facility impacts to migratory birds, they did correct the raw observation data from these surveys for searcher efficiency and carcass persistence to allow a better understanding of actual mortality numbers, as well as to allow a comparison among these three facilities.

The USFWS BO, issued on April 12, 2019, addressed impacts to special status bird species, including the Yuma clapper rail, southwestern willow flycatcher, least Bell’s vireo, and yellow-billed cuckoo. With respect to these species, the BO concluded that the Project would not cause adverse impacts to breeding activities because suitable habitat is not present in the Project area. Although adverse effects could result from collisions with solar panels, power lines, and fences, an analysis of results from other utility-scale solar projects in the Mojave Desert indicated that collision effects at a single project would be unlikely to occur or would be considered a discountable effect. These conclusions are consistent with the PA/EIS/EIR conclusion that it is not anticipated that any adverse impacts would occur to Federally-listed migratory birds through collision with any components of the Project. The BO concluded that the Project is not likely to adversely affect the four bird species. To address the additive risk of multiple hazards on a CDCA Plan level, USFWS and BLM have worked together to develop project-to-project consistency in mortality monitoring, continue to evaluate the risk on a case-by-case basis, and develop project-specific recommendations to avoid adverse effects.

Mitigation Measure WIL-6 would require the Applicant to prepare a Bird and Bat Conservation Strategy (BBCS) to monitor the death and injury of birds; resulting data would be used to inform an adaptive management program intended to avoid and minimize project-related avian impacts. The measure is intended to address uncertainty and prescribes a tiered structure to reduce or offset effects. Potential measures include on-site infrastructure alterations, as well as off-site habitat restoration or other compensatory mitigation. These measures are expected to mitigate this potential risk to the extent feasible, but an unknown residual risk to birds may remain. The tiered measures identified in the BBCS provide the best available approach to identifying and mitigating (if needed) the project’s potential impacts on avian mortality. Implementation of the tiered conservation measures is dependent on mortality and injuries detected during monitoring.

Master Response 8: Final Designs and Plans

Comment Summary. Several comments note that specific design details and management plans have not yet been finalized, and therefore cannot be reviewed by the public and other agencies.

Response. In general, specific project design details and/or management procedures are dictated by law and/or agency policy and guidelines. In each case, the Applicant (or subsequent grant holder) would be required to comply with the applicable law, policy, and/or guidelines. In all cases, plans would be required to be submitted to and approved by BLM and any other agency with regulatory oversight, as detailed in the applicable mitigation measure, before construction (or decommissioning, as appropriate) could begin. Details of the design and operation of the facility are not likely to substantially alter the impacts that have been concluded, and there are measures that would apply from mitigation in the PA/EIS/EIR and from regulation that would control these aspects to further ensure they are not more impactful than what is assumed in the PA/EIS/EIR.

Master Response 9: Groundwater Use

Comment Summary. Several comments request analysis of the impact of groundwater withdrawal on the Colorado River, and specifically on the Colorado River Accounting Surface. These comments state that approval from the Colorado River Board of California must approve the groundwater withdrawal, and that replacement of the water must be ensured if the withdrawal impacts the Accounting Surface. Some comments express concern that the feasibility of groundwater withdrawal has not been established, and state that this constitutes deferred analysis. Other comments questions BLM's authority with respect to water rights.

Response. Table 1-2 acknowledges that coordination with the Bureau of Reclamation, which has delegated authority to grant entitlements for groundwater withdrawal to the Colorado River Board of California, is required. An analysis of groundwater with respect to the Accounting Surface is provided in subsections 3.20.1.1 and 4.20.3.1, and concludes that impacts to the Accounting Surface are unlikely. Mitigation Measure WATER-4 specifies the monitoring methods to be used to ensure that groundwater withdrawal impacts do not exceed those predicted in the analysis.

As discussed in subsections 2.3.3.8, 2.3.4.8, 4.2.1, and 4.20.3.1, two separate water sources were analyzed in detail, including groundwater as the Applicant's proposed water supply, and an offsite source in case onsite groundwater production is not feasible. In both cases, the worst case situation was evaluated. Should groundwater be used as the water supply, the PA/EIS/EIR presents modeling results for the highest possible groundwater withdrawal rate. Should an offsite source be used, the PA/EIS/EIR describes the specific source, and also evaluates the impact of the water deliveries by truck.

With respect to water rights, for BLM lands, Federal Reserved Water Rights exist by law for all Congressionally-designated wilderness areas and wild-and-scenic rivers and for other land designations on a case-by-case basis (e.g., National Monuments) per special language in the corresponding Presidential Proclamation or Federal legislation. This is different from the USFS and National Parks lands – where all lands are automatically holding Federal Reserved Water Rights. Public Water 107 does not apply here because the beneficial uses addressed in Public Water 107 cover only municipal water and water for livestock grazing.