

Backfilling into the pit is limited due to existing topography constraints, re-handling issues, and safety concerns when backfilling and mining concurrently within Panel G's pit configuration. The lease modification is necessary to accommodate all of the overburden generated from mining Panel G, as analyzed in the 2007 Final EIS. At the time the RODs for the 2007 Final EIS were issued, neither the BLM nor the USFS had the regulatory authority to approve Simplot's original plan for overburden storage. In 2009, the rules were modified giving the BLM authority to approve a lease modification for the purpose of overburden storage.

Regional mitigation strategies for cumulative effects from phosphate mining to wildlife habitat are currently being developed in the Pocatello Field Office. Although regional mitigation will not be applied in this case because the proposed action would not result in impacts drastically different than those from the existing mine plan already approved in 2008 (evaluated as the No Action Alternative in the Draft EIS), on-site mitigation is proposed to reduce water quality effects. For example, to further reduce or eliminate water quality impacts due to increasing the size of the currently approved mine, Simplot is proposing to cover all seleniferous overburden in Panel G with a GCLL. They feel it is in the best interest of increased long-term environmental protection and may lend itself to a more expeditious review of the proposed modifications. In addition, Simplot is proposing storm water control features to address surface water run-off from the proposed GCLL. It is estimated that up to 11 acres of new disturbance would be necessary for these storm water features. Portions of these features would be situated on lease, within the proposed lease modification area, or off lease. Off-lease disturbance would require USFS special use authorization.

In total, approximately 170 acres are proposed for new disturbance. Compared to what was analyzed in the 2007 Final EIS, there would be an additional 8 acres disturbed for the ore conveyor system (mostly at the north end of Panel F); 20 acres for the Panel G south ODA expansion of temporary chert storage; up to 11 acres for storm water control features to address run-off from the GCLL at Panel G; and 131 acres for the Panel G east seleniferous ODA expansion.

Two additional Action Alternatives were developed to address concerns raised during public scoping about the long term durability and use of a

synthetic liner such as a GCLL at Panel G and/or reducing the amount of new disturbance within the Inventoried Roadless Area (IRA). Alternatives 1 and 2 would include all components of the Proposed Action, but would limit use of the GCLL by utilizing the previously approved geologic cover on portions of the disturbed areas. In addition, Alternative 2 would reduce the east ODA expansion within the Sage Creek IRA by approximately 45 acres and reduce the proposed lease modification area by approximately 40 acres.

Under the No Action Alternative in the Draft EIS, the proposed lease and mine plan modifications and special use authorizations would not be approved, and mining would continue under the current mine plan as approved by the 2008 RODs. Under the No Action Alternative, Simplot estimates that approximately 50 percent of the phosphate ore in Panel G, previously considered economically recoverable, would not be mined but the overall disturbance would remain unchanged from the 2008 mine plan approval. In addition, the proposed conveyor system would not be approved, thus no new disturbance associated with the conveyor would occur. The previously approved geologic cover would be used to limit or prevent the release of contaminants to the environment.

A Notice of Intent (NOI) to prepare this EIS was published in the **Federal Register** on June 24, 2013. Publication of the NOI in the **Federal Register** initiated a 30-day public scoping period for the Proposed Action that provided for acceptance of written comments. The scoping process identified concerns that primarily involved impacts to water resources and watersheds, and selenium, but also include potential effects and/or cumulative effects of the proposed project on Inventoried Roadless Areas, wetlands, climate change, socioeconomics, visual resources, and mitigation and monitoring for mine operations.

To facilitate understanding and comments on the Draft EIS, public meetings are planned to be held in Afton, Wyoming, and Pocatello and Fort Hall, Idaho. Meetings will be open-house style, with displays explaining the project and a forum for commenting on the project. The dates, times, and locations of the public scoping meetings will be announced in mailings and public notices issued by the BLM.

Written and electronic comments regarding the Draft EIS should be submitted within 45 days of the date of publication of the Environmental Protection Agency's Notice of Availability in the **Federal Register**. To

assist the BLM and the USFS in identifying issues and concerns related to this project, comments should be as specific as possible. The portion of the proposed project related to special use authorizations for off-lease activities is subject to the objection process pursuant to 36 CFR part 218 Subparts A and B. Only those who provide comment during this comment period or who have previously submitted specific written comments on the Proposed Action, either during scoping or other designated opportunity for public comment, will be eligible as objectors (36 CFR 218.5). BLM appeal procedures found in 43 CFR part 4 apply to the portion of the project related to the Federal mineral lease(s).

Please note that public comments and information submitted including names, street addresses, and email addresses of respondents will be available for public review and disclosure at the above BLM address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays.

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

**Authority:** 42 U.S.C. 4321 et seq.; 40 CFR parts 1500–1508; 43 CFR part 46; 43 U.S.C. 1701; and 43 CFR part 3590.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

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### Notice of Availability of the Final Environmental Impact Statement for the Proposed Right-of-Way Amendment for the Blythe Solar Power Project, California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the proposed right-of-way (ROW) amendment for the Blythe Solar Power Project (BSPP), Riverside County, California, and by this notice is announcing its availability.

**DATES:** The BLM will not issue a final decision on the proposed ROW amendment for a minimum of 30 days after the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**.

**ADDRESSES:** Copies of the Final EIS have been sent to affected Federal, State, and local government agencies, and to other stakeholders. Copies of the Final EIS are available for public inspection at the Palm Springs/South Coast Field Office, 1201 Bird Center Drive, Palm Springs, CA 92262 and the California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553–9046. Interested persons also may review the Final EIS on the Internet at [http://www.blm.gov/ca/st/en/fo/palmsprings/Solar\\_Projects/Blythe\\_Solar\\_Power\\_Project.html](http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/Blythe_Solar_Power_Project.html).

**FOR FURTHER INFORMATION CONTACT:** Frank McMenimen, BLM Project Manager, telephone 760–833–7150; address 1201 Bird Center Drive, Palm Springs, CA 92262; email [capssolarblythe@blm.gov](mailto:capssolarblythe@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. McMenimen during normal business hours. The FIRS is available 24 hours a day, 7 days a week to leave a message or question for Mr. McMenimen. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The project area is located 8 miles west of Blythe and 3 miles north of Interstate 10 (I–10). The BSPP originally was permitted and approved in 2010 as a 1,000-megawatt (MW) solar thermal generating plant occupying 6,831 acres (Approved Project). On August 22, 2012, the BLM approved the assignment of the ROW Grant from the prior holder, Palo Verde Solar I, LLC, to NextEra Blythe Solar Energy, LLC (Grant Holder). The Grant Holder purchased via bankruptcy the (un-built) project assets in mid-2012 from Palo Verde Solar I, LLC. The Grant Holder then requested a Level 3 variance to the existing Approved Project's ROW grant. The Grant Holder

is proposing to construct, operate, maintain, and decommission the BSPP using photovoltaic (PV) technology with a 485–MW capacity on 4,138 acres of BLM-administered public land.

To support this proposal, a request to amend the existing ROW authorization has been submitted to reduce the acreage of the project, change the technology from concentrating solar trough to PV, adjust the project layout in response to the new generation technology and reduce the project's capacity from 1,000 to 485 MWs. These proposed changes are referred to in the Final EIS as the Modified Project. In anticipation of the Modified Project, the Grant Holder voluntarily relinquished approximately 35 percent of the previously approved ROW grant area on March 7, 2013.

The Final EIS fully analyzes the Grant Holder's proposal to construct, operate, maintain, and decommission the Modified Project (Alternative 1), as well as the BLM's denial of the variance request, which would maintain the current ROW grant approvals on the site as modified by the Grant Holder's voluntary relinquishment mentioned above (Alternative 2, No Action). The Final EIS does not supersede or replace the 2010 Proposed Plan Amendment/Final EIS or other elements of the 2010 Approved Project or Plan Amendment, but rather tiers to those documents as appropriate. The Final EIS analyzes the use of PV technology in detail, including any additional site-specific impacts resulting from the change in technology and additional or relocated ancillary facilities. This includes impacts to air quality, biological resources, climate change, cultural resources, hazards and public health, lands and realty, mineral resources, noise, paleontological resources, recreation and special designations, socioeconomic and environmental justice, soil resources, traffic and travel management, visual resources, water resources, and wildland fire ecology.

A number of measures would be implemented to avoid, minimize, rectify, reduce, or compensate for adverse impacts of the Modified Project. These include:

- **Biological Resources:** Wildlife would be avoided or relocated (e.g., desert tortoise) to the extent feasible through fencing, clearance surveys, and relocation/translocation. The Grant Holder also proposes to implement a Raven Management Plan, Weed Management Plan, Bird and Bat Conservation Strategy, and golden eagle inventory and monitoring. The Grant Holder has also proposed off-site

compensatory mitigation to minimize or offset impacts to biological resources.

- **Cultural Resources:** The Grant Holder proposes to employ cultural resource specialists as monitors during ground disturbance, and to implement long-term protection measures.

- **Hazards and Visual Resources:** The Grant Holder proposes to document, investigate, evaluate, and attempt to resolve all project-related glare complaints throughout the construction and operation of the project; to use textured glass or anti-reflective coating on all solar panels; and to construct all exposed PV panel support structures with matte or non-reflective surfaces.

- **Water Resources:** Site hydrology would be designed to retain pre-project flows on the majority of the site, and the Grant Holder would implement a Groundwater Level Monitoring, Mitigation, and Reporting Plan.

The BLM has conducted Native American tribal consultations in accordance with Section 106 of the National Historic Preservation Act and Federal policy in connection with the previously approved BSPP, which resulted in the development of a Programmatic Agreement. During that process, tribes expressed their views and concerns about the importance and sensitivity of specific cultural resources to which they attach religious and cultural significance. The BLM has amended the Programmatic Agreement, consistent with its terms, in response to the Modified Project. In connection with its review of the Modified Project, the BLM will carry out its responsibilities to consult with tribes on a government-to-government basis and other members of the public pursuant to the existing Programmatic Agreement, as amended, and other authorities to the extent applicable and will continue to give tribal concerns due consideration, including impacts to historic properties to which tribes attach religious and cultural significance and Indian trust assets.

Comments on the Draft EIS received from the public and based on internal BLM review were considered and incorporated as appropriate into the Final EIS. Public comments resulted in the addition of clarifying text, but did not significantly change the substantive analysis within the Final EIS.

**Authority:** 40 CFR 1506.6 & 1506.10.

**Thomas Pogacnik,**  
Deputy State Director.

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