

RECORD OF DECISION FOR THE

Mohave County Wind Farm Project

Kingman Field Office / Arizona



JUNE 2013

DOI-BLM-AZ-C010-2010-0003-EIS
BLM/AZ/PL-13/004

Record of Decision (ROD)
Mohave County Wind Farm Project

Decision to Grant Right-of-Way
Decision to Grant Right-of-Use Contract

Lead Agency:
United States Department of the Interior
Bureau of Land Management

Preparing Offices:
U.S. Department of the Interior
Bureau of Land Management
Kingman Field Office
2755 Mission Boulevard
Kingman, Arizona 86401

U.S. Department of the Interior
Bureau of Reclamation
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, Nevada 89006

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Applicants

BP Wind Energy of North America
700 Louisiana Street
Houston, Texas 77002

Western Area Power Administration
Desert Southwest Regional Office
P.O. Box 6457
Phoenix, Arizona 85005

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LIST OF ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
ADOT	Arizona Department of Transportation
AGFD	Arizona Game and Fish Department
BLM	Bureau of Land Management
BMP	Best Management Practice
BP Wind Energy	BP Wind Energy North America Inc.
CRMP	Cultural Resource Management Plan
DoD	U.S. Department of Defense
DOI	U.S. Department of the Interior
ECCMP	Environmental Construction Compliance and Monitoring Plan
ECP/BCS	Eagle Conservation Plan/Bird Conservation Strategy
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
EPAct	Energy Policy Act
FAA	Federal Aviation Administration
FLPMA	Federal Land Policy and Management Act
HPTP	Historic Properties Treatment Plan
IM	Instruction Memorandum
KFO	Kingman Field Office
kV	kilovolt
met	meteorological
MOA	Memorandum of Agreement
MVA	megavolt-ampere
MW	megawatts
National Register	National Register of Historic Places
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NOI	Notice of Intent
NPS	National Park Service
NRA	National Recreation Area
NTP	Notice to Proceed
PEIS	Programmatic Environmental Impact Statement
POD	Plan of Development
Project	Mohave County Wind Farm Project
RDEP	Restoration Design Energy Project
Reclamation	Bureau of Reclamation
RMP	Resource Management Plan
ROD	Record of Decision
ROU	Right of Use
ROW	right-of-way
SHPO	State Historic Preservation Office
US 93	U.S. Highway 93
USACE	U.S. Army Corps of Engineers

USFWS
Western

U.S. Fish and Wildlife Service
Western Area Power Administration

EXECUTIVE SUMMARY: This document constitutes the Record of Decision (ROD) of the U.S. Department of the Interior (DOI), the Bureau of Land Management (BLM), and Bureau of Reclamation (Reclamation) (Agencies) for the Mohave County Wind Farm Project (Project) based on the Environmental Impact Statement (EIS).

After extensive environmental analysis, consideration of public comments, and compliance with the requirements of applicable Federal laws and policies, the DOI approves the development of the Project on Federal lands managed by the BLM and Reclamation. This ROD approves the issuance of a right-of-way (ROW) grant and a right-of-use (ROU) contract to BP Wind Energy North America (BP Wind Energy) for the construction, operation, maintenance, and decommissioning of the proposed wind facility, and a ROW grant to the Western Area Power Administration (Western) for the construction, operation, maintenance, and decommissioning of the proposed switchyard proposed by. The ROD approves the right of BP Wind Energy to use the Detrital Wash Materials Pit to mine mineral materials for the Project through either a negotiated sale or competitive bid process. These decisions approve Alternative E, the Agencies' Preferred Alternative identified in the Final EIS, which was made available to the public with notices published in the *Federal Register* on May 17, 2013. The Final EIS is available online at: <http://www.blm.gov/az/st/en/prog/energy/wind/mohave/reports/FEIS.html>

In the Final EIS, the Agencies analyzed the environmental impacts of four action alternatives with the Wind farm site footprint ranging in size from 30,178 to 38,099 acres of BLM-managed land and from 2,781 to 8,960 acres of Reclamation-administered land. The number of turbines that could be developed varies by size (rotor diameter) and type of turbine, as well as the amount of land available with each alternative, but would be expected to range from 153 to 283 turbines. In addition to the four action alternatives, the Agencies analyzed the no-action alternative, in which the project would not be built. The Agencies eliminated other alternatives from detailed consideration.

The Agencies have selected, and through this ROD the DOI approves, Alternative E. This alternative includes the construction of 179 to 243 wind turbine generators with associated infrastructure and a switchyard to interconnect the power generated from the wind facility to the electrical grid system, all within a footprint consisting of approximately 35,329 acres of BLM-managed land and approximately 2,781 acres of Reclamation-administered land. The Project could produce 425 megawatts (MW) or 500 MW of power depending on whether it connects to the Liberty-Mead 345-kilovolt (kV) or Mead-Phoenix 500-kV transmission line.

Public review and comments were extensive. There were a total of seven public scoping meetings held in four different communities, four public meetings on the Draft EIS, and numerous agency meetings. During scoping 113 comment submissions were received, in which 474 issues were identified and addressed in the Draft EIS. During the 45-day comment period on the Draft EIS, 37 comment submissions were received, from which 322 substantive comments were identified and addressed in the Final EIS.

FOR FURTHER INFORMATION CONTACT: Jerry Crockford, BLM Project Manager, Mohave County Wind Farm Final EIS, Telephone (505) 360-0473 or Jackie Neckels, BLM Environmental Coordinator, Mohave County Wind Farm Final EIS, Telephone (602) 417-9262.

1.0 INTRODUCTION

This Record of Decision (ROD) by the U.S. Department of the Interior (DOI), Bureau of Land Management (BLM), and Bureau of Reclamation (Reclamation) for the Mohave County Wind Farm Project (Project) approves the BLM's right-of-way (ROW) grants and Reclamation's right-of-use (ROU) contract issuance on Federal lands to BP Wind Energy North America Inc. (BP Wind Energy), a wholly owned indirect subsidiary of BP P.L.C., to construct, operate, maintain, and decommission the Project, as analyzed in the *Mohave County Wind Project Final Environmental Impact Statement* (EIS). The ROD approves the BLM issuance of a ROW grant to Western Area Power Administration (Western) to construct, operate, maintain, and decommission a switchyard to interconnect the wind-powered electrical generation facility to Western's currently existing electrical transmission line. The ROD also approves the right of BP Wind Energy to use the Detrital Wash Materials Pit to mine mineral materials for the Project through either a negotiated sale or competitive bid process.

This ROD selects Alternative E, the Agencies' Preferred Alternative, from the Final EIS (BLM 2013), which was announced as publically available through a notice published in the *Federal Register* on May 17, 2013. Alternative E meets the purpose and need (as defined in Section 1.3, page 1-7, of the Final EIS) of the BLM and Reclamation, including fulfilling each Agency's statutory responsibilities and the DOI policies and commitments to achieve the renewable energy authorization goals established in Section 211 of the Energy Policy Act (EPA) of 2005 and the President's Climate Action Plan (June 2013). BP Wind Energy has applied to generate at least 425 MW, and up to 500 MW of power at the proposed Mohave County Wind Farm Project and has filed interconnection agreements with Western that commit the firm to this generation capacity if the Project is approved. The substitution of fossil fuels with the increasing use of renewable energy sources is fundamental to reducing emissions of greenhouse gases. The production of either 425 MW or 500 MW would represent a direct conservation potential because the energy produced would not consume non-renewable resources.

As approved, the Project will consist of up to 243 wind turbines on approximately 35,329 acres of BLM-managed land and approximately 2,781 acres of land administered by Reclamation, with additional BLM-managed lands needed for a power distribution line and vehicular access to the Project site (estimated at about 75 acres). The Project is located in the White Hills of Mohave County about 40 miles northwest of Kingman, Arizona, and immediately south of Lake Mead National Recreation Area (NRA) boundary (Map 1-1 of the Final EIS). The Project is described in the Final EIS and is outlined in detail in the plan of development (POD) (Attachment 1).

1.1 BACKGROUND

BP Wind Energy applied to the BLM and Reclamation for a ROW grant and a ROU contract, respectively, on Federal land to construct, operate, maintain, and eventually decommission a wind-powered electrical generation facility in Mohave County, Arizona. In concert with the application by BP Wind Energy, Western applied to the BLM for a ROW grant on public land to develop a switchyard that would interconnect the power generated from the wind facility to the electrical power grid. The BLM, in consultation with six cooperating agencies, prepared a Draft

and Final EIS in compliance with the National Environmental Policy Act (NEPA) in response to the ROW and ROU applications.

Project features will include, but not be limited to, turbines aligned within corridors, access roads, an operations and maintenance building, a water well drilled to support the operations and maintenance building, two temporary laydown/staging areas (with temporary concrete batch plant¹ operations), temporary and permanent meteorological (met) towers, two substations, a switchyard, and collector lines that carry the power from the turbines to the substations. While typically buried underground, collector lines may be on aboveground structures to span sensitive terrain and environmentally and culturally sensitive areas. Through a competitive bid or negotiated sale, the existing Detrital Wash Materials Pit on BLM-managed lands will be used as a materials source for aggregate used on access roads and in the concrete mix for facility foundations. The facilities will require:

- up to 10 acres of BLM-managed lands within the Wind farm site to be used for construction of the switchyard that will be operated by Western;
- an approximately 3-mile long access road between the Wind farm site and U.S. Highway 93 (US 93);
- the temporary use of the existing Detrital Wash Materials Pit as a materials source for the base material of roads and for concrete needed for foundations. The existing water wells in the immediate vicinity of this materials source will provide temporary construction-phase water for batch plant operations and dust suppression;
- a temporary water pipeline that will extend within the primary access road ROW from the materials source to the main laydown/staging area where batch plant operations will occur;
- a distribution line that will tap into an existing power line south of the Project area, parallel US 93 north to the access road, follow the access road to the main (southernmost) laydown/staging area where batch plant operations will occur, and extend to the operations and maintenance building; and
- replacement of an existing 345/230-kilovolt (kV) transformer and associated breakers and switches within Western's Mead Substation with two new 600 megavolt-ampere (MVA) 345/230-kV transformers and new breakers and switches if the 345-kV interconnection option is selected. These replacements, which would be required to accommodate the increased electrical loading related to generation from the proposed Project, would be accomplished by Western at BP Wind Energy's expense. The existing transformer is at the terminus of the Liberty-Mead 345-kV line in Mead Substation; the substation is located near Boulder City, Nevada.

The Project would generate and deliver electrical power to the regional electrical transmission grid by interconnecting with an existing transmission line crossing through the southern portion of the Wind Farm. The Project's nameplate generating capacity will be 425 megawatts (MW) if

¹ Batch plants are facilities for mixing concrete needed in construction.

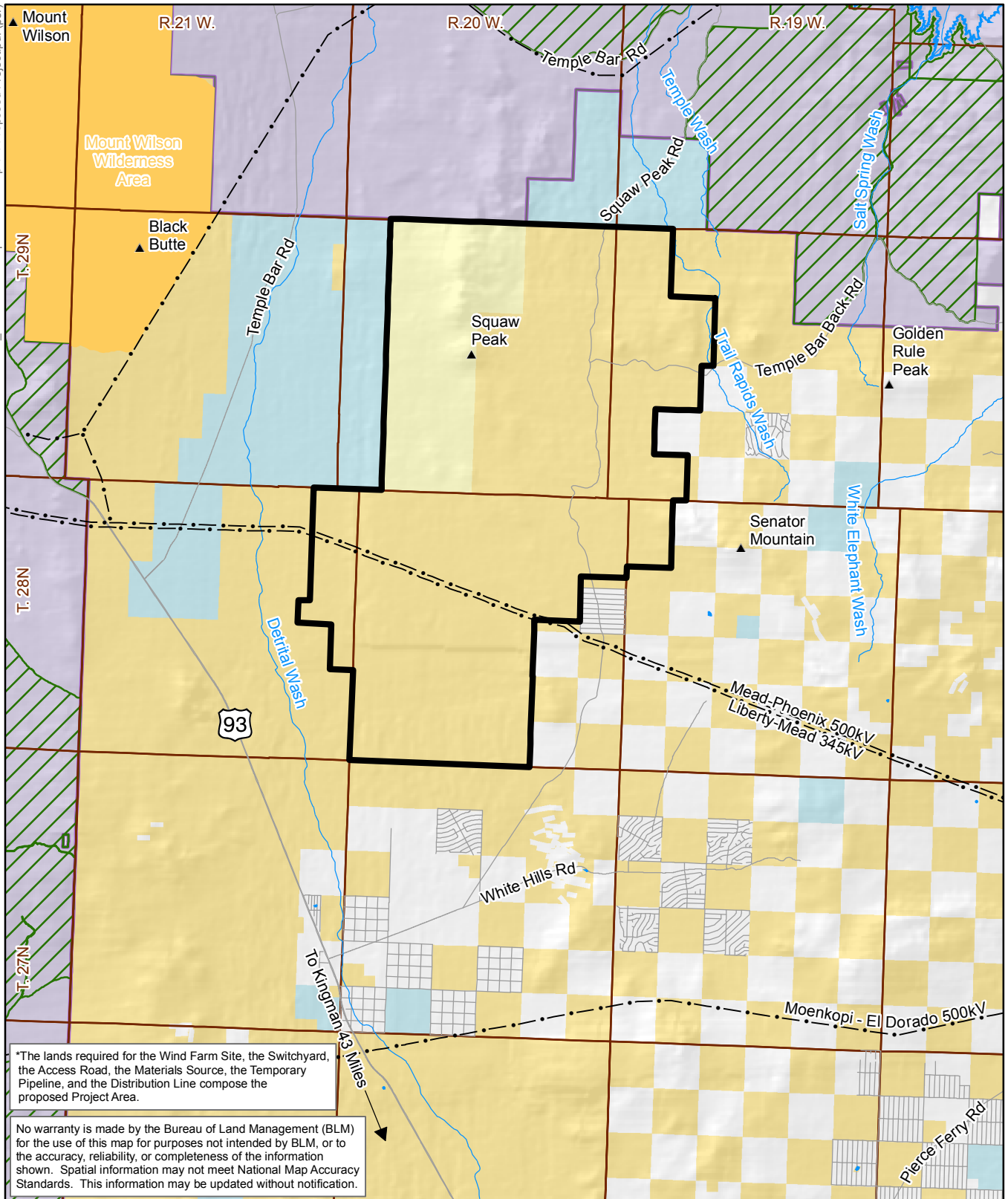
the Project interconnects to the 345-kV Liberty-Mead transmission line and 500 MW if the Project interconnects to the 500-kV Mead-Phoenix transmission line. BP Wind Energy has filed applications with Western to interconnect the Project with one of these two transmission lines.

1.2 PURPOSE AND NEED

As described in Chapter 1.3 of the Final EIS, the BLM's and Reclamation's purpose and need for Federal action is to respond to BP Wind Energy's and Western's proposals to use Federal lands. The Secretary of the Interior is authorized to grant ROWs on public lands for systems of generation, transmission, and distribution of electric energy (43 U.S.C. § 1761(a)(4)). Pursuant to Section 1702(c) of the Federal Land Policy and Management Act (FLPMA), the BLM must manage public lands for multiple-use. Consistent with the BLM's multiple-use mandate, the purpose and need for the BLM's action is to respond to a ROW application submitted by BP Wind Energy to construct, operate, maintain, and decommission a wind energy facility and associated infrastructure in compliance with FLPMA, BLM ROW regulations (43 CFR Part 2800), and other applicable Federal laws and policies. Pursuant to the Act of Congress of June 17, 1902 (32 Stat. 388); the Act of Congress approved August 4, 1939 (53 Stat. 1187), Section 10; and 43 CFR Part 429, Reclamation is responding to a request for a ROU on Reclamation-administered Federal lands.

Approval of the Project will respond to projected demand for renewable energy and assist the State of Arizona in meeting established Renewable Energy Portfolio Standards (RPS). This Project will also further the following renewable energy directives and policies:

- Section 211 of the EPAct of 2005 established a goal for the Secretary of the Interior to approve at least 10,000 MW of electricity from non-hydropower renewable energy projects located on public lands.
- Secretarial Order 3285A1 (March 11, 2009, as amended February 22, 2010) established the development of environmentally responsible renewable energy as a priority for DOI.
- Arizona Corporation Commission rules expanded the state's Renewable Energy Standard to 15percent by 2025 (Arizona Administrative Code R14-2-1801 *et seq.*).

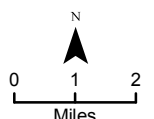


Legend

- Wind Farm Site*
- Existing Transmission Line
- National Park Service
- Lake Mead National Recreational Area Boundary
- National Park Service
- Proposed Wilderness
- Township and Range Boundary
- Lake
- Road
- Wash

- Mountain Summit
- Surface Management**
- Bureau of Land Management
- Bureau of Reclamation
- National Park Service
- State Trust Land
- Private Land
- Bureau of Land Management
- Wilderness Area

Map 1-1 Proposed Wind Farm Area Mohave County Wind Farm Project



2.0 ALTERNATIVES CONSIDERED AND CARRIED FORWARD FOR DETAILED ANALYSIS

The Agencies considered five alternatives in the Final EIS: (1) Alternative A is the proposed action identified by BP Wind Energy; (2) Alternative B reduces the Wind farm site footprint and has fewer turbines than Alternative A to reduce visual and noise impacts primarily on Lake Mead NRA and secondarily on private property; (3) Alternative C also reduces the Wind farm site footprint and has fewer turbines than Alternative A to reduce visual and noise impacts primarily on private property and secondarily on Lake Mead NRA; (4) Alternative D is the no-action alternative in which the Project would not be built; and (5) Alternative E (Preferred Alternative) is a combination of Alternatives A and B and responds to concerns of visual and noise impacts on the Lake Mead NRA and existing residences. Alternative E also addresses information about golden eagle breeding areas, which supports the need to establish a no-build area and curtailment zone to reduce potential impacts on golden eagles within the Squaw Peak breeding area in the northwest portion of the Wind farm site.

All action alternatives include an approximately three-mile long primary access road between the Wind farm site and US 93 and the temporary use of the existing Detrital Wash Materials Pit as source material for the base material of roads and for concrete needed for foundations. All action alternatives also include Project features within the Wind farm site including turbines aligned within corridors, roads, an operations and maintenance building, two temporary laydown/staging areas (with temporary batch plant operations), two substations, a switchyard, collector lines, up to 10 additional temporary met towers, and up to four permanent met towers within the Project area. With all action alternatives, temporary construction-phase water for batch plant operations and dust suppression would be provided by the existing water wells in the immediate vicinity of the Detrital Wash materials source and/or a new well to be established as a potable water source for the operations and maintenance building. The temporary pipeline for transporting water to the southern laydown area and the distribution line supplying power for batch plant operations and the operations and maintenance building is within the primary access road ROW between US 93 and the Wind farm site.

2.1 ALTERNATIVE A

Under Alternative A, BP Wind Energy would construct, operate, maintain, and decommission the Wind farm site which encompasses approximately 38,099 acres of BLM-managed land and approximately 8,960 acres of Federal land administered by Reclamation. The number of turbines constructed would vary depending on the turbine type that is installed, but as shown in Table 2-6 in the Final EIS, Alternative A would support development of 203 to 283 turbines. The amount of temporary ground disturbance is estimated to be up to 1,537 acres and about 317 acres of long-term disturbance following construction and reclamation. The specific turbine count and layout would be determined through micro-siting, which may include analysis of the physical constraints of the landscape, the strength of the wind resource, and geotechnical testing results, avoidance of waters of the U.S. and other sensitive resources, among other factors.

2.2 ALTERNATIVE B

Under Alternative B, the Wind farm site would encompass approximately 30,872 acres of BLM-managed land and approximately 3,848 acres of Federal land administered by Reclamation. Depending on the turbine type that is installed, Alternative B could support development of 153 to 208 turbines. Compared with Alternative A, several turbine corridors on Reclamation land would be eliminated. Certain turbine corridors on BLM land also would be eliminated or shortened, increasing the distance between the private lands and the nearest turbine. Temporary ground disturbance with Alternative B is estimated at 1,234 acres, with about 261 acres of long-term disturbance associated with access roads, foundations, and other features that would remain during operations and maintenance.

2.3 ALTERNATIVE C

Alternative C is also a reduced footprint alternative. The Wind farm site would encompass approximately 30,178 acres of BLM-managed land and approximately 5,124 acres of Federal land administered by Reclamation. The number of turbines constructed would vary depending on the turbine type that is installed, but Alternative C could support development of 154 to 208 turbines. Alternative C differs from Alternative B in that there would be one additional turbine corridor on Reclamation land, increasing the proximity of turbines to Lake Mead NRA. Also, the corridors on the eastern side of the Wind farm site would be shorter than with the other action alternatives and provide greater separation between the private lands and the nearest turbines. With Alternative C, temporary ground disturbance is estimated at 1,264 acres and long-term disturbance is estimated to be 269 acres.

2.4 ALTERNATIVE D – NO ACTION ALTERNATIVE

Under Alternative D, no actions associated with the Project would occur, and no ROW/ROUs or interconnections would be granted. The BLM and Reclamation lands would continue to be managed in accordance with existing plans and policies and the land would remain available for other uses. Capacity on Western's transmission lines would remain available for other projects.

2.5 ALTERNATIVE E – AGENCIES' PREFERRED ALTERNATIVE (BLM AND RECLAMATION'S SELECTED ALTERNATIVE)

Under the Selected Alternative, also identified as the Preferred Alternative in the Final EIS, BLM and Reclamation will grant ROW/ROUs to BP Wind Energy. The BLM will also grant a ROW to Western for the switchyard. Following either a negotiated sale or competitive bid process, the BLM will issue a contract to BP Wind Energy or its contractor for mineral materials from the Detrital Wash Materials Pit. Alternative E was added between the Draft EIS and the Final EIS to address new information regarding golden eagles while still addressing the concerns raised by the National Park Service (NPS) and other commenters for potential visual and noise impacts to the Lake Mead NRA and local residences. Alternative E provides a no-build area and a curtailed operations area on the northwestern portion of the Project to protect the Squaw Peak golden eagle breeding area, and requires that certain corridors in the curtailed operation area and the southernmost corridor be used only if necessary to meet the nameplate generation capacity in

the interconnection agreement. Alternative E represents a hybrid of Alternatives A and B and does not go beyond the footprint considered in those Alternatives in the Draft EIS. The BLM determined that the addition of Alternative E does not require a supplemental Draft EIS because this Alternative is within the spectrum of alternatives analyzed in the Draft EIS.

2.5.1 Selected Alternative Project Description

Under the Selected Alternative, BP Wind Energy will construct, operate, maintain, and decommission 179 to 243 turbines. The Wind farm site will encompass up to approximately 35,329 acres of BLM-managed land and approximately 2,781 acres of Federal land administered by Reclamation. Temporary ground disturbance is estimated to be about 1,317 acres if all phases of construction are necessary to meet the nameplate generation capacity in the interconnection agreement. Ground disturbance would be less if some phases are not required. Long-term disturbance is estimated to be 268 acres.

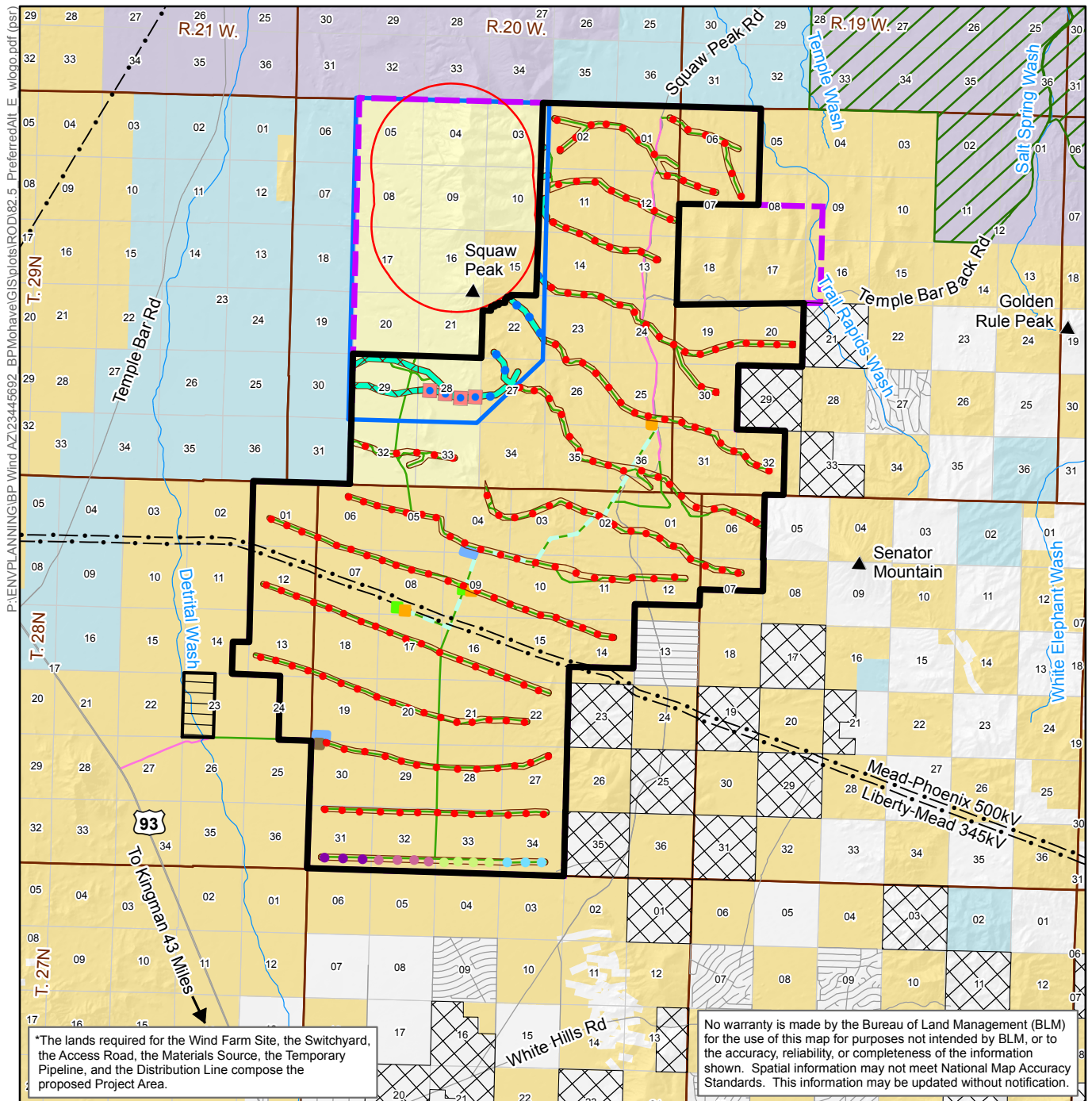
Under the Selected Alternative several of the turbine corridors in the northwest corner of the Wind farm site will be excluded from the Project area in Township 29 North, Range 20 West (see Maps 2-11 to 2-13 in the Final EIS). Also similar to Alternative B, turbine corridors will be excluded from Sections 17 and 18 of Township 29 North, Range 19 West. The Selected Alternative will allow use of the corridors in Township 29 North, Range 20 West, Sections 28 and 29 only if the generation capacity requirements cannot be satisfied by building in the corridors that have no development restrictions. Consistent with Alternatives A and B, the Selected Alternative will provide for a minimum of 0.25 miles between private property boundaries and the nearest turbine. The southernmost turbine corridor in the Wind farm site (Sections 31-34 of Township 28 North, Range 20 West) will be available, but only if these turbines are necessary to meet the generation capacity requirements in the interconnection agreement.

Under the Selected Alternative, construction will occur in up to six phases. In the first phase, BP Wind Energy must make an effort to meet the generation capacity requirements using the proposed turbine corridors (see corridors with red dots representing turbine locations on Maps 2-11 to 2-13), but with consideration given to the: parameters of manufacturer requirements for turbine placement; other setback requirements; agreements to mitigate environmental effects through micro-siting to avoid sensitive resources within the corridors, as well as engineering, construction, and safety constraints. Only if BP Wind Energy cannot achieve generation capacity through development of these turbine corridors will BP Wind Energy be permitted to construct turbines in Sections 28 and 29 of Township 29 North, Range 20 West (first and second phase), which are within the eagle curtailment buffer area (blue corridors on Maps 2-11 to 2-13). Finally, the BLM will authorize BP Wind Energy to develop the southernmost turbine corridor only if BP Wind Energy has still not met the generation capacity requirements. If necessary, BP Wind Energy's development in the southernmost corridor would start with Township 28 North, Range 20 West, Section 31, followed by Section 32, 34 and lastly Section 33 (third to sixth phases, see Maps 2-11 to 2-13). BP Wind Energy must obtain a Notice to Proceed from the BLM and Reclamation prior to initiating development of each phase.

Additionally, turbines will be a light gray, comparable to RAL 7035 on the RAL standardized color chart, to satisfy the requirements of the Federal Aviation Administration (FAA) while reducing visual contrast with the landscape compared with white turbines. BP Wind Energy will determine the turbine type and the interconnection to the power grid based on power purchase agreements (PPAs), availability of turbines at the time of construction, satisfying interconnection agreements, and other similar factors.

Surveys conducted in 2012 identified an active golden eagle nest in the northwest portion of the Wind farm site. BP Wind Energy, in coordination with the U.S. Fish and Wildlife Service (USFWS), has prepared an Eagle Conservation Plan/Bird Conservation Strategy (ECP/BCS) (see Attachment 2) in accordance with the USFWS Draft Eagle Conservation Plan Guidance² for the development of ECPs, and BLM Instruction Memorandum (IM) 2010-156, which provides direction for complying with the Bald and Golden Eagle Protection Act. As a result of the coordination with USFWS, BP Wind Energy has agreed to establish a 1.25-mile avoidance/no-build area encompassing the nest and foraging area west of the active nest and to establish a curtailed operation zone (see avoidance area on Maps 2-11 to 2-13).

² The Draft ECP was based on the USFWS's draft guidance. USFWS released "Eagle Conservation Plan Guidance, Module 1 Land-based Wind Energy Version 2" in April 2013, which is available at <http://www.fws.gov/migratorybirds/PDFs/Eagle%20Conservation%20Plan%20Guidance-Module%201.pdf>.



Legend

Wind Farm Site*

Materials Source

Eagle Nest Avoidance Area

Curtailed Operations Area

Turbine Corridor

Curtailed Corridor

Proposed Facility Access Corridor

Facility Access Corridor (Existing)

Proposed Turbine Location

Turbine with Curtailed Operation

If Needed to Meet Generation Capacity

Turbine with Curtailed Operation First Phase

Corridor within Curtailment Zone Second Phase

Turbine Third Phase

Turbine Fourth Phase

Turbine Fifth Phase

Turbine Sixth Phase

Operations and Maintenance Building

Laydown/Staging Area

Facility Location Options

Substation

Switchyard

Transmission Line

Surface Management

Bureau of Land Management

National Park Service

Bureau of Reclamation

State Trust Land

Private Land

Alternative A Boundary (for comparison purposes)

Planned Development Community

National Park Service Proposed Wilderness

Township and Range Boundary

Section Boundary

Existing Transmission Line

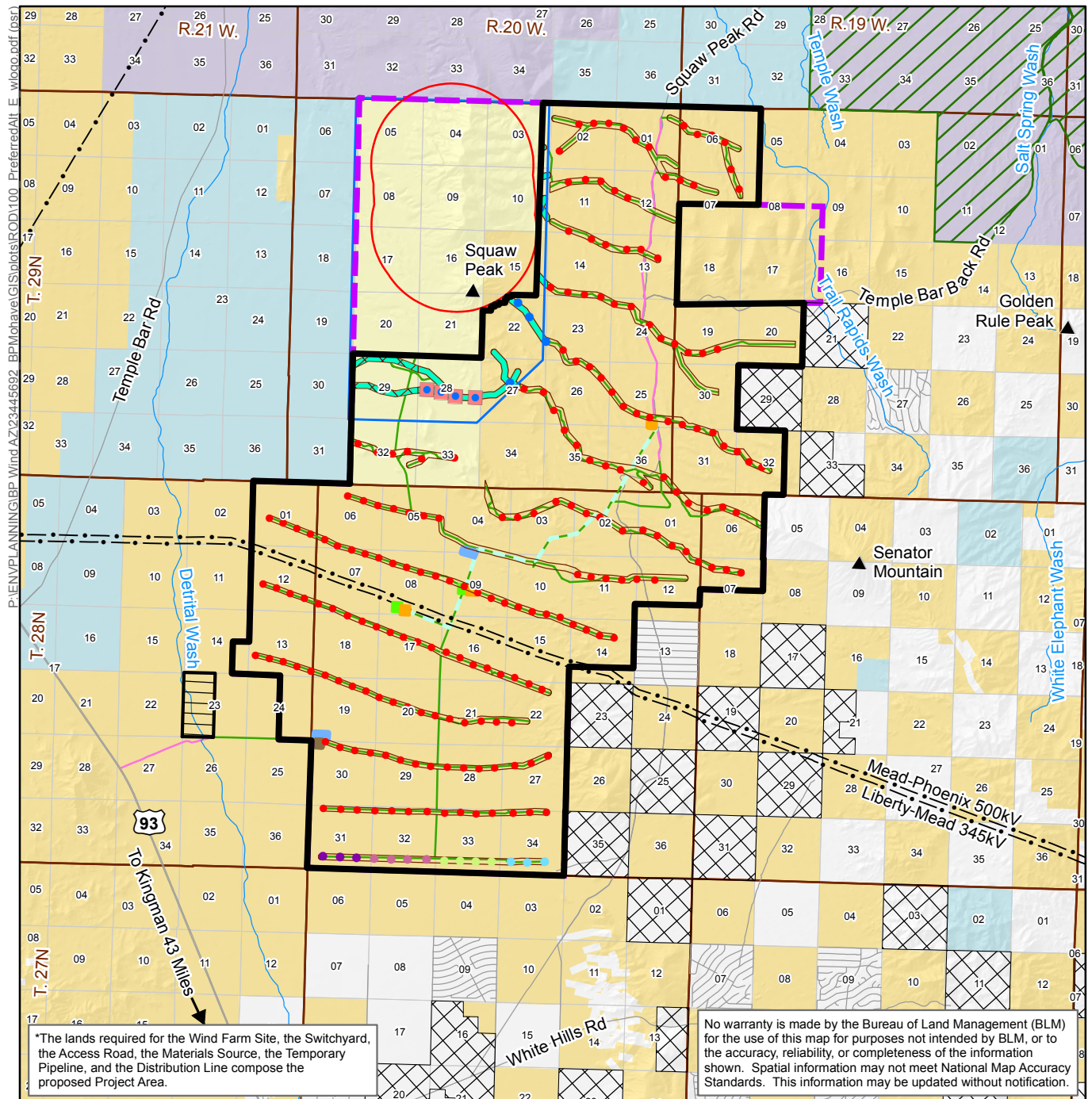
Road

Wash

Mountain Summit

Map 2-11 Alternative E Preferred Alternative 77 - 82.5 Meter Rotor Diameter Turbines Mohave County Wind Farm Project





Legend

Wind Farm Site*

Materials Source

Eagle Nest Avoidance Area

Curtailed Operations Area

Turbine Corridor

Curtailed Corridor

Proposed Facility Access Corridor

Facility Access Corridor (Existing)

Proposed Turbine Location

Turbine with Curtailed Operation

If Needed to Meet Generation Capacity

Turbine with Curtailed

Operation First Phase

Corridor within Curtailment Zone

Second Phase

Turbine Third Phase

Turbine Fourth Phase

Turbine Fifth Phase

Turbine Sixth Phase

Operations and

Maintenance Building

Laydown/Staging Area

Facility Location Options

Substation

Switchyard

Transmission Line

Surface Management

Bureau of Land Management

National Park Service

Bureau of Reclamation

State Trust Land

Private Land

Alternative A Boundary
(for comparison purposes)

Planned Development Community

National Park Service Proposed Wilderness

Township and Range Boundary

Section Boundary

Existing Transmission Line

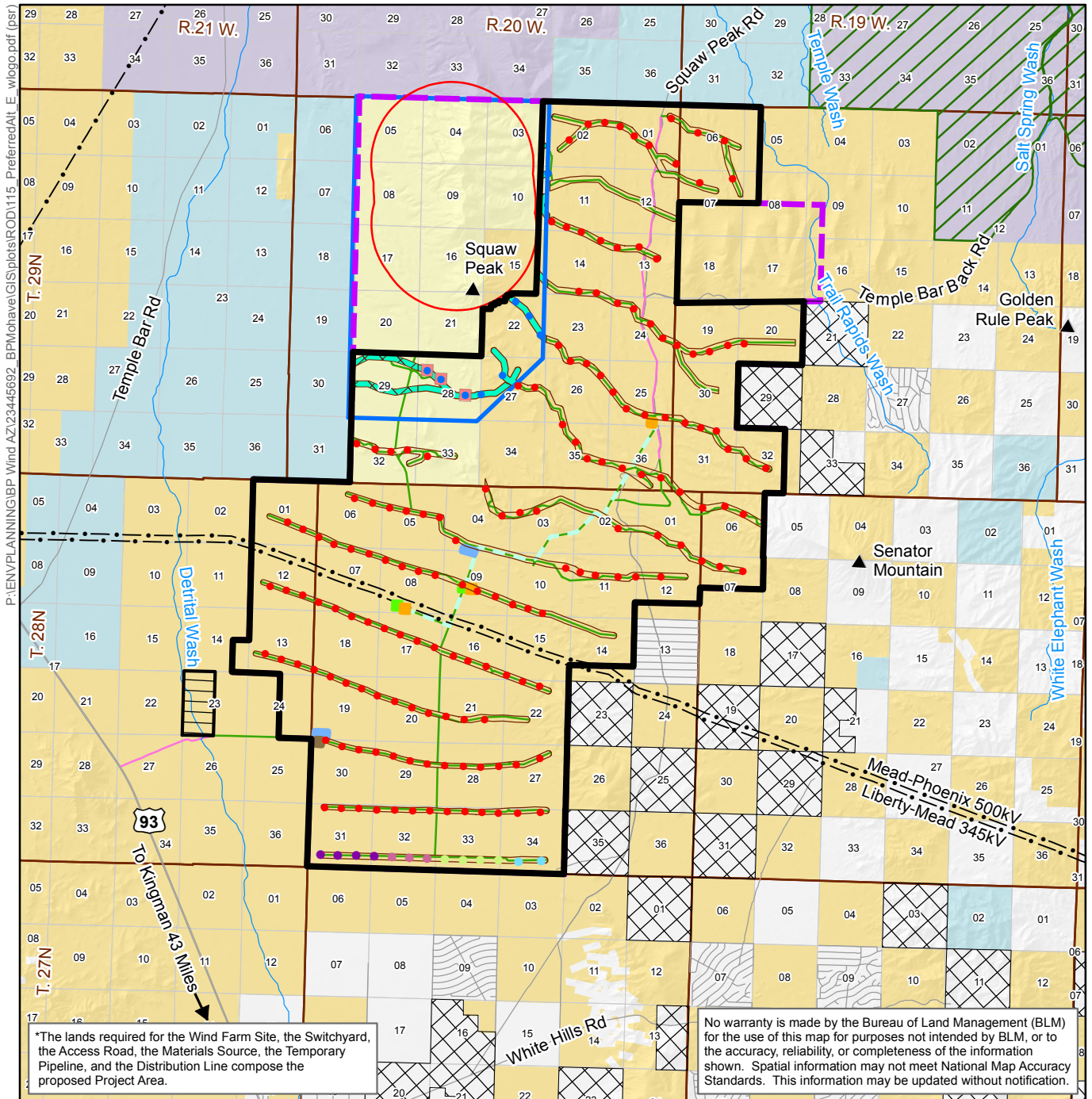
Road

Wash

Mountain Summit

Map 2-12 Alternative E Preferred Alternative 90 - 101 Meter Rotor Diameter Turbines Mohave County Wind Farm Project





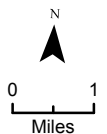
Legend

- Wind Farm Site*
- Materials Source
- Eagle Nest Avoidance Area
- Curtailed Operations Area
- Turbine Corridor
- Curtailed Corridor
- Proposed Facility Access Corridor
- Facility Access Corridor (Existing)
- Proposed Turbine Location
- Turbine with Curtailed Operation
- If Needed to Meet Generation Capacity**
- Turbine with Curtailed Operation First Phase
- Corridor within Curtailment Zone Second Phase
- Turbine Third Phase
- Turbine Fourth Phase

- Turbine Fifth Phase
- Turbine Sixth Phase
- Operations and Maintenance Building
- Laydown/Staging Area
- Facility Location Options**
- Substation
- Switchyard
- Transmission Line
- Surface Management**
- Bureau of Land Management
- National Park Service
- Bureau of Reclamation
- State Trust Land
- Private Land

- Alternative A Boundary (for comparison purposes)
- Planned Development Community
- National Park Service Proposed Wilderness
- Township and Range Boundary
- Section Boundary
- Existing Transmission Line
- Road
- Wash
- Mountain Summit

Map 2-13 Alternative E Preferred Alternative 112 - 118 Meter Rotor Diameter Turbines Mohave County Wind Farm Project



The combined 1.25-mile no build buffer area and surrounding curtailment zone was identified in coordination with the USFWS, the BLM, Reclamation, and Arizona Game and Fish Department (AGFD) to extend about 1.5 miles east and about 3.3 miles south and southwest of the active nest and other nest locations forming the Squaw Peak breeding area (see Maps 2-11 to 2-13). Within the first five years of operations (corresponding to the current duration of eagle take permits available), the curtailment program will require modification to turbine operations around Squaw Peak within the curtailment zone when specific criteria are met. Specifically, curtailment within the established curtailment zone would start once the Squaw Peak breeding area is occupied, as defined by meeting at least one of the five criteria described in Section 8.9.1.1 of the ECP/BCS based on occupancy surveys. After occupancy of the Squaw Peak breeding areas is determined, then curtailment of turbines within the existing curtailment zone will occur. Curtailment of turbines would occur daily from: (1) 11:00 a.m. to 4:00 p.m. between December 1 and March 15, and (2) from four hours after sunrise until two hours before sunset beginning March 16 and continuing until either the earlier of when the biological criteria discussed below is met, or September 30. Curtailment will end before September 30 when one of the biological criteria occurs as described in Section 8.9.1.4 of the ECP/BCS, including: (1) there is no active nest by the end of April; (2) there was an active nest but it was determined to have failed; or (3) two months post-fledging or less if fledglings have left the area sooner than two months based on occupancy and eagle use surveys. If none of the biological criteria has been met, curtailment will end no later than September 30. Adaptive management will occur throughout the five-year period to evaluate the curtailment program within the established curtailment zone based on the criteria described in Section 8.9.1 of the ECP/BCS. At least three years of eagle use data will be collected prior to considering any relaxation of the spatial extent or proposed timing of curtailment within the established curtailment zone. These curtailment requirements and no-build areas are expected to avoid and minimize impacts to eagles by reducing collision risk, as well as by reducing the potential disturbance to eagles actively nesting in the Squaw Peak breeding area.

In addition to protecting golden eagles, prohibiting construction in the northwest corner of the Wind farm site also will reduce the visual and noise impacts on Lake Mead NRA, particularly for visitors accessing the recreation area from the Temple Bar entrance station and for persons recreating on the NPS lands nearest to the Wind farm site.

The Lake Mead NRA may experience occasional operational noise levels exceeding 35 dBA Leq depending on turbine installation and layout. These effects would be limited to Section 34 of Township 30 North, Range 20 West, which adjoins the Wind farm site boundary, and are projected to occur when winds from the south are at 12 m/s (about 27 mph) at the turbine hub height. For installation of turbines with a rotor diameter of 77-82.5 meters, Project operation noise would be in the range of 35 to 45 dBA Leq. The predicted aggregate turbine noise would be expected to be comparable to the anticipated 42 dBA Leq sound level from the wind and rustling vegetation at ground-level receiver locations, and the affected area would be limited to about 50 acres or less. For installation of turbines with a rotor diameter of 90-101 meters, as depicted in Map 2-12, the predicted aggregate turbine noise would be expected to be less than the anticipated 42 dBA Leq sound level, and the affected area of Lake Mead NRA lands would be limited to about 150 acres or less. For installation of turbines with a rotor diameter of 112-118 meters, as depicted in Map 2-13, noise levels of approximately 35 dBA to 40 dBA Leq are

projected. The affected area of the Lake Mead NRA lands (i.e., where Project operation noise would be greater than 35 dBA Leq) would be limited to about 90 acres or less.

Noise effects on private property would be similar to Alternative A as described in Section 4.15.2 of the Final EIS if turbines were constructed in the southernmost corridor to meet the required nameplate generation capacity. If construction of the southern corridor was not required, the potentially affected area to the south of the Project would be similar to Alternative B, as described in Section 4.15.3 of the Final EIS. With the use of the southern corridor that adjoins the Wind farm site boundary, and depending on turbine size and layouts, the installation of 77-82.5 meter or 90-101 meter rotor diameter turbines, as depicted in Maps 2-11 and 2-12, portions of Section 13 of Township 28 North, Range 20 West, could experience Project operation noise at turbine hub height in excess of 45 dBA Leq when winds from the north or south are at speeds of 12 m/s (about 27 mph). At ground level, the predicted aggregate turbine noise would be expected to be comparable to the 42 dBA Leq sound level from the wind and rustling vegetation at ground-level receiver locations; the affected area would be limited to about 50 acres or less. For installation of turbines with a rotor diameter of 112-118 meters, as depicted in Map 2-13, this private land would not be expected to experience Project operation noise.

In addition, portions of the private land adjoining the Wind farm site boundary in Section 29 of Township 29 North, Range 19 West would be expected to experience Project operation noise in excess of 45 dBA Leq if turbines with a rotor diameter of 77-82.5 meters are constructed. The noise at hub height would occur when wind speeds from the north or south are at or exceed 12 m/s (about 27 mph). The predicted aggregate turbine noise would be expected to be comparable to the anticipated 42 dBA Leq sound level (see Table 4-28 in the Final EIS) from the wind and rustling vegetation at ground-level receiver locations, and the affected area would be limited to about 100 acres or less.

To further protect the scenic views from the Lake Mead NRA, Alternative E excludes construction in Township 29 North, Range 19 West, Sections 17 and 18. The turbine corridors in these sections that BP Wind Energy proposed in Alternative A were positioned along ridge lines so the turbines would be prominent and visible from distant locations, including from an area proposed as wilderness within the Lake Mead NRA. Alternative E would provide for a minimum of 0.25 mile between private property and the nearest turbine corridor. While existing residences on the developed private property would be more than one mile from the nearest turbine corridor, the BLM and Reclamation recognize that some homes in the area will experience constant exposure to the views of the nearest turbines, and could be exposed to more noise during certain wind conditions. Accordingly, the BLM and Reclamation will authorize turbines in Alternative E's southernmost corridor only if BP Wind Energy cannot otherwise meet the nameplate generation capacity in the interconnection agreement with Western.

2.5.2 Environmentally Preferred Alternative

Pursuant to NEPA, an agency must specify the environmentally preferred alternative in the ROD (40 CFR § 1505.2(b)). An environmentally preferred alternative is an alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural, and natural resources. The BLM and Reclamation have determined that the No Action Alternative and Alternative E, the Selected Alternative, represent the environmentally preferred alternatives because they will cause the least damage to the biological

and physical environment. Although the No Action Alternative would have the least effect on the environment, the No Action Alternative would not allow development of the Project and would not meet the BLM and Reclamation's purpose and need for Federal action, including furthering renewable energy policies and directives. Of the action alternatives, the Selected Alternative represents the environmentally preferred alternative because it meets the BLM's and Reclamation's purpose and need for Federal action, assists in meeting Federal and state renewable energy goals and reduces greenhouse gas emissions, includes measures to protect golden eagles and other biological resources, effectively minimizes potential visual and noise effects on the Lake Mead NRA by eliminating selected turbine corridors in the northwest and northeast portions of the Project area, and requires a minimum 0.25-mile setback from private land to reduce potential visual and noise effects. The phased approach to development and curtailment zone will emphasize initial development in less environmentally sensitive areas and minimize impacts to nesting golden eagles.

3.0 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

NEPA requires Federal officials to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR § 1502.14(a)). Alternatives that the BLM and Reclamation considered, but eliminated from detailed analysis, include:

- **Use Land East of Current Wind Farm Site** – The BLM eliminated the use of public and private land to the east of the proposed Project location because of public concerns raised during scoping about possible effects on property values, noise, and changes to the visual setting, as well as potential conflicts with existing mining claims.
- **Use 36,000 Acres of BLM-managed and Reclamation-administered land** – During scoping in August 2010, the BLM presented to the public a project footprint consisting of 27,033 acres of BLM-managed land and 8,960 acres of land administered by Reclamation. Although most of the land associated with the Project footprint is considered in the action alternatives, the Project was expanded in the southern portion after another ROW application was withdrawn. Consequently, the alternative presented to the public in August 2010 is no longer being considered.
- **Alternative Locations that Failed to Satisfy the Siting Criteria** – The public suggested other alternative locations without specifying locations that can be mapped. The BLM and Reclamation eliminated these as potential siting areas because these alternative locations failed to meet the siting criteria articulated in Chapter 2.2 of the Final EIS, including proximity to designated special management areas, insufficient land area, and insufficient wind resource.
- **Interconnection to Moenkopi-El Dorado 500-kV Transmission Line** – Interconnection to the Moenkopi-El Dorado transmission line was considered, but was eliminated from detailed analysis because the transmission line currently does not have the capacity to accommodate an additional 425 to 500 MW of generated power.
- **Switchyard Locations Outside of the Wind Farm Site** – Two alternative switchyard locations east of the Mohave County Wind Farm Project were considered for an interconnection to the Mead-Phoenix 500-kV transmission line during the preparation of the electrical system studies. These two interconnection points were considered when a solar-powered generation facility was proposed. Consideration was given to a shared interconnection for the two proposed projects, but the solar project was cancelled, eliminating the need for a shared interconnection.
- **Distributed Generation and Energy Conservation** – The feasibility of using residential and wholesale distributed generation, in conjunction with increased energy efficiency, was considered as an alternative to building the Project. However, the Project location is too sparsely developed to generate the amount of power that could be produced by the proposed wind farm, and increasing energy efficiency would be beyond the ability of either the BLM and Reclamation or BP Wind Energy to either enforce or monitor.

- **Brownfields and Previously Disturbed Areas** – Siting the Project in designated Brownfield areas, or other previously disturbed or marginal quality areas was considered. However, the areas where large tracts of land and wind resources are sufficient to generate utility-scale wind farms capable of generating up to 500 MW of power in Arizona do not coincide with the Brownfields or previously disturbed or marginal lands that satisfy the criteria outlined the Arizona Restoration Design Energy Project (ARDEP).
- **Reduced Footprint with Reduction in Capacity** – An alternative that would reduce the Project's footprint based on a generating capacity of 300 MW within the boundaries described in Alternatives B and C was considered. However, this alternative was eliminated because the technical design of such an alternative would be substantially similar in both its design and effects to the reduced footprint analyzed in Alternatives B and C. Alternatives B and C analyze an output range from 310 MW to 500 MW, and thus the 300 MW minimum generation output design is within the scope of the action alternatives considered.
- **Underground Transmission Lines** – While burying the high-voltage transmission lines underground would reduce visual impacts and reduce the potential for impacts to avian species and other wildlife, this alternative was eliminated because of the difficulty in cooling the buried heat-generating high-voltage lines, the complex maintenance issues, the increased amount of ground disturbance, and the associated prohibitive costs.

4.0 MITIGATION MEASURES

As required by the CEQ's NEPA regulations, 40 CFR § 1505.2(c), the Agencies have identified and adopted the practicable mitigation measures to avoid or minimize environmental harm from the Selected Alternative. The Project will develop wind energy resources in compliance with the Best Management Practices (BMPs) that were evaluated in the *Final Programmatic Environmental Impact Statement for Wind Energy Development on BLM-managed Lands in the Western United States* (Final Wind Energy PEIS [BLM 2005a]). Project construction and operations will incorporate the BMPs as stated in Attachment A of the *Record of Decision for the Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments* (BLM 2005b); these BMPs are listed in Attachment 3, BMPs and Mitigation Measures.

In addition to the BMPs designated in the Final Wind Energy PEIS, additional mitigation measures for the Project are identified in Chapter 4 of the Final EIS as well as in the POD, including:

- Integrated Reclamation Plan
- Health, Safety, Security, and Environment Plan
- Spill Prevention, Control, and Countermeasure Plan
- Transportation and Traffic Plan
- Dust and Emissions Control Plan
- Blasting Plan (if required)
- Mining Plan of Operations
- Flagging Plan
- Decommissioning Plan
- Eagle Conservation Plan/Bird Conservation Strategy
- Bat Conservation Strategy
- Stormwater Pollution Prevention Plan
- Environmental Construction Compliance and Monitoring Plan

The mitigation measures presented in the Final EIS and the supplemental plans have been considered in the analysis and in the decision regarding the Selected Alternative. These mitigation measures are adopted by, and incorporated by reference into, this ROD and will be included as terms and conditions in the BLM ROW grant and the Reclamation ROU contract.

4.1 MITIGATION COMPLIANCE MONITORING AND REPORTING

The ROW/ROU authorizations provide the legal authority to enforce compliance with all terms and conditions of the ROW/ROUs, including mitigation measures. Attachment 3 lists the BMPs and the mitigation measures identified and committed to in the Final EIS. Monitoring will occur throughout the duration of the construction, operation, maintenance, and decommissioning of the Project and the electrical transmission facilities. All mitigation measures and plans discussed in the Final EIS will be implemented by BP Wind Energy and monitored with agency oversight by

a third-party consultant. Third-party monitors will report directly to the BLM and Reclamation designated authorized officers as determined by the ROW grants and ROU contract. Reporting procedures will be determined prior to the onset of construction activities.

5.0 MANAGEMENT CONSIDERATIONS

The decision to approve the BP Wind Energy and Western ROWs and Reclamation's ROU contract complies with statutory and regulatory requirements and national policy considerations, as well as both applicants' technical and financial capabilities to construct the Project for which the ROWs and ROU contract were requested. The alternatives considered satisfy the BLM's and Reclamation's purpose and need for the Federal action, which is to respond to the applications for the authorized use of Federal land for a specific renewable energy technology and the Project would allow for the development of utility-scale wind energy resources that responds to the forecasted increase in energy demands. The decision is also based on input from the public, industry, Tribal governments, and other Federal and state agencies.

Through this review process, all practical methods to reduce environmental harm have been incorporated into the decision and no undue or unnecessary degradation will result from the Project. The decision is consistent with the BLM's multiple use mandate pursuant to FLPMA. Reclamation has determined that the Project is in conformance with Reclamation Directives and Standards for Land Use Authorizations (LND 08-01) and regulations found at Title 43 CFR Part 429.

5.1 RELATIONSHIP TO BLM AND OTHER AGENCY PLANS, PROGRAMS AND, POLICIES

5.1.1 The BLM Land Use Plan and Wind Energy Development Programmatic EIS

The BLM determined that the Project (including both the BP Wind Energy and Western elements) contributes to meeting the goals and objectives in the Kingman Resource Management Plan (RMP) (BLM 1993) approved by the ROD dated March 7, 1995 (BLM 1995), and is consistent with the RMP. The Project is therefore in conformance with the RMP and no amendment to the RMP is needed.

In addition, in January 2013, the BLM amended the Kingman RMP to implement the goals, objectives, management actions, land use allocations, design features, and BMPs identified by the ARDEP. The BLM initiated the ARDEP as a planning process for the development of renewable energy resources on BLM-managed lands in Arizona. The Project continues to be in conformance with the amended RMP.

The BLM prepared a Wind Energy PEIS to address the National Energy Policy recommendations to increase renewable energy production capability, specifically regarding the development of wind energy resources. The PEIS analyzed the potential impacts of wind energy development to public lands and included BMPs (see Attachment 3). The BLM published this PEIS in June 2005, and signed the ROD in December 2005. The ROD implements a comprehensive wind energy development program for the development of wind energy resources on BLM-managed lands in 11 western states, including Arizona.

The BMPs address the administration of wind energy development actions on BLM-managed lands and identify the minimum requirements for mitigation measures. The Wind Energy PEIS

authorized project-specific analysis to focus on the site-specific issues and concerns of individual projects. The “Mohave County Wind Farm Final EIS” serves as the site-specific analysis of the Project.

5.1.2 Renewable Energy Policies and Legislative Directives

The Agencies considered the potential for the Project to meet policy and legislative directives regarding the development of renewable energy on Federal lands. The EPO Act of 2005 encourages the development of renewable energy resources, including wind energy. Section 211 of the EPO Act established a goal for the Secretary of the Interior to approve at least 10,000 MW of non-hydropower renewable energy projects on public lands by 2015. Secretarial Order 3283, “Enhancing Renewable Energy Development on the Public Lands,” dated January 16, 2009, established renewable energy as a DOI policy and committed the DOI to achieve the goals established in Section 211 of the EPO Act of 2005. Secretarial Order 3285A-1 “Renewable Energy Development by the Department of the Interior,” signed March 11, 2009, as amended on February 22, 2010, established the development of renewable energy as a priority for the DOI and created a Departmental Task Force on Energy and Climate Change. Additionally, IM 2009-043, “Wind Energy Development Policy,” dated December 19, 2008, establishes BLM policy to ensure timely and efficient processing of energy ROWs for wind energy on public lands. Finally, the Arizona Corporation Commission established a RPS requiring that, by 2025, utilities in Arizona generate 15 percent of their energy from renewable sources. This Project directly relates to the policy and legislative goals established by Congress, DOI, the BLM, and the State of Arizona.

5.1.3 Endangered Species Act

Section 7 of the Endangered Species Act (ESA) requires Federal agencies to ensure that their actions do not jeopardize the continued existence of threatened or endangered species or result in the destruction of their designated critical habitat. The ESA also requires consultation with the USFWS in making that determination. In February, 2011, the BLM complied with these requirements by initiating early, informal consultation with USFWS. On December 12, 2011, the USFWS provided an evaluation of Federally-listed threatened or endangered species known to occur in Mohave County and the potential to be affected by the Project. In this evaluation, the USFWS agreed with the BLM’s initial determination that no Federally-listed threatened or endangered species, and/or critical habitat would be affected by the Project with the rationale that they currently do not occur in the area.

5.1.4 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (Eagle Act) prohibits any form of possession or taking of bald eagles or golden eagles. The BLM contacted the USFWS concerning the Project’s potential impacts on the golden eagle in accordance with the Eagle Act and BLM Instruction Memorandum 2010-156.

Beginning in 2008, BP Wind Energy coordinated with USFWS, AGFD, the BLM, and Reclamation regarding potential impacts to bald and golden eagles. Consistent with the 2011 Draft ECP Guidance from USFWS and BLM IM 2010-156, BP Wind Energy prepared an Eagle

Conservation Plan (ECP), as part of a Bird Conservation Strategy (BCS), in close coordination with USFWS, AGFD, the BLM, and Reclamation. On December 13, 2012, USFWS sent BP Wind Energy a letter concluding that the ECP was consistent with USFWS Draft Guidance and that it represented “a comprehensive, objective, state-of-the-art document conveying a strong commitment to conservation of the golden eagle” and outlines measures to avoid and minimize impacts to golden eagles. The Agencies’ Selected Alternative adopted measures identified in the ECP to ensure the protection of golden eagles by including a no-build area and an area of curtailed operations due to the identification of the active golden eagle nest in the Squaw Peak breeding area. Additionally, BP Wind Energy has voluntarily agreed to apply to the USFWS for an eagle take permit. Although an eagle take permit is not required, activities that result in a take constitute a violation of the Eagle Act unless a permit authorizing that take has been obtained prior to the action.

This ROD allows construction and operation of the Project to proceed before an eagle take permit is issued, subject to this ROD’s requirements that the conservation practices described in the ECP be implemented. This includes completing actions to offset the potential loss of one eagle when Project operations begin (ECP at 8.8). The Agencies will require compliance with the Eagle Act as a condition of the ROW grant and ROU Contract for BP Wind Energy. The FWS has informed the BLM, Reclamation, and BP Wind Energy that it is not possible to absolve individuals, companies or agencies from liability, should unpermitted take occur. Therefore, any take of eagles caused by the Project, prior to the issuance of an eagle take permit, constitutes a violation of the Eagle Act that the FWS intends to refer to the Department of Justice for enforcement. (16 U.S.C. §§ 668a, 668b). Additionally, in the event of an unpermitted take of a golden eagle, the ROW/ROU Holder will be required to implement limitations or restrictions of operations, by season or time of day as appropriate, or other adaptive management measures that are deemed necessary by the Agencies, in coordination with the FWS, and taking into consideration the ROW/ROU holder’s Eagle Conservation Plan. To the extent practicable, the authorized officer(s) and FWS will work with the ROW/ROU Holder in developing these measures. The intent is to ensure that there is no further unauthorized take of golden eagles. In the event of a take, such limitations would apply until the take permit is issued, at which time the terms and conditions of that permit would control. The ROW/ROU Holder has been advised that the requirements of this ROD and any additional limitations or other measures deemed necessary by the Agencies to protect eagles do not constitute an authorization to take eagles or a defense against BGEPA enforcement.

The ECP/BCS is appended to the Plan of Development and is included as a stipulation of the ROW/ROU.

5.1.5 Section 106 of the National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. § 470f) requires Federal agencies to consider the potential effects of their actions on historic properties eligible for or listed on the National Register of Historic Places (National Register) prior to approving such action. On November 20, 2009, the BLM initiated government-to-government consultation with potentially interested Indian Tribal governments. Likewise, on March 29, 2010, the BLM formally initiated consultation with the Arizona State Historic Preservation Office (SHPO). The

BLM worked with the Arizona SHPO to develop a cultural resources overview and survey plan for the proposed Project. Between March 2010 and April 2011, the BLM held site tours of the proposed Project area for interested agencies and Indian Tribal governments. In January 2012, the BLM provided copies of all the cultural resource reports prepared for the Project to the Arizona SHPO, other agencies, and Tribal governments, and consulted about determinations of National Register eligibility and the effect of the Project on National Register-eligible historic properties. The Arizona SHPO concurred with the BLM's determinations of National Register eligibility for 10 prehistoric and historic sites within the area of potential effects and the finding of adverse effect by letter dated March 1, 2012.

Pursuant to the Section 106 regulations, the BLM prepared a Memorandum of Agreement (MOA) in consultation with the Arizona SHPO, Reclamation, Western, NPS, interested Tribal governments, and BP Wind Energy. In April 2012, the BLM formally notified the Advisory Council on Historic Preservation (ACHP) that the BLM had made a determination of adverse effect and invited the ACHP to participate in the MOA, but the ACHP declined to participate. After the BLM provided the interested Tribal governments multiple opportunities to discuss and comment on drafts of the MOA, the MOA was executed in December 2012 and included the signature of the Hualapai Tribe. See Attachment 4, "Memorandum of Agreement Among the Bureau of Land Management, Bureau of Reclamation and Arizona State Historic Preservation Officer and by Invitation BP Wind Energy North America Inc. and Hualapai Tribe."

The MOA stipulates that a Historic Properties Treatment Plan (HPTP) be prepared and implemented to address adverse impacts on properties eligible for the National Register. The HPTP will be completed after the final design of the Project identifies which historic properties cannot be avoided. The HPTP will include measures to address indirect visual impacts on traditional Hualapai cultural resources. The HPTP would be the major component of a Cultural Resource Management Plan (CRMP) that is being prepared in accordance with recommendations in the BLM Wind Energy PEIS. The CRMP will include procedures for complying with laws other than Section 106 of the NHPA, such as the Native American Graves Protection and Repatriation Act, and likely include measures to mitigate impacts on other elements of the cultural environment that are not historic properties. The BLM will continue to consult with the consulting parties in accordance with the MOA.

5.1.6 Tribal Consultation

The United States has a unique legal relationship with Indian Tribal governments as set forth in the Constitution of the United States, treaties, Federal laws, executive orders (EOs), and court decisions. Consequently, the BLM has a responsibility to consider and consult on potential effects to natural and cultural resources related to tribal treaty rights or cultural use. In recognition of this relationship, the BLM consults with tribal governments on a government-to-government basis pursuant to NEPA, Section 106 of the NHPA, EO 13175, and other laws and policies. On November 20, 2009, the BLM initiated government-to-government consultation with the following 12 Federally-recognized Indian Tribal governments and one Indian tribe that is not Federally-recognized:

- Hualapai Tribe

- Fort Mojave Indian Tribe
- Colorado River Indian Tribes
- Las Vegas Paiute Tribe
- Moapa Band of Paiutes
- Havasupai Tribe
- Chemehuevi Tribe
- Hopi Tribe
- Yavapai-Prescott Indian Tribe
- Kaibab Band of Paiute Indians
- San Juan Southern Paiute Tribe
- Yavapai-Apache Nation

The letters described the proposed Project. The BLM also invited these Indian tribes to participate as formal cooperating agencies for preparation of the EIS on September 14, 2009. The BLM also invited the Pahrump Paiute Tribe, which is not Federally-recognized, to participate as a consulting party.

The Hualapai Tribe participated as a cooperating agency, provided comments on the ethnographic background, and shared information about traditional Hualapai perspectives on the White Hills and Senator Mountain. The BLM also arranged for the Hualapai Tribe to conduct an ethnohistoric study to further investigate traditional cultural use of the Project area and inventory and evaluate traditional cultural resources (Bungart 2013). All the prehistoric sites documented during the surveys, which the Hualapai and other Indian tribes regard as ancestral, were determined to be eligible for the National Register under Criterion D for their informational value and any direct impacts would be mitigated by recovery and preservation of artifacts and information before the sites are disturbed. The BLM will continue to consult with tribes about their concerns as the HPTP and CRMP are prepared and implemented during post-EIS development of actions approved in this ROD. Over the course of the decision-making process, the BLM held several consultation meetings and field tours and engaged the Indian tribes in consultation about the resources potentially affected by the proposed Project. With respect to Section 106 of the NHPA, the Hualapai Tribe signed the MOA on December 5, 2012. The BLM will continue to consult with the identified Indian tribes in accordance with the terms of the executed MOA.

Indian trust assets are legal interests in property held in trust by the United States for Indian tribes or individuals. The Secretary of the Interior, acting as the trustee, holds many assets in trust. Examples of trust assets are lands (including tribal trust, fee title, and allotted lands); minerals; water rights; and hunting and fishing rights. Although most Indian trust assets are on reservations, Indian trust assets may also be found off-reservations. The United States has a trust responsibility to protect and maintain rights reserved for or granted to Indian tribes or Indian individuals by treaties, statutes, and executive orders. These are sometimes further interpreted through court decisions and regulations. Consultation with the Bureau of Indian Affairs (BIA) confirmed that there are no Indian trust assets in the Project area.

6.0 PUBLIC INVOLVEMENT

6.1 PUBLIC SCOPING

The Notice of Intent (NOI) was published in the *Federal Register* on November 20, 2009 and the scoping period was conducted from November 20, 2009 through January 8, 2010. Three public meetings and an agency meeting were held during the 45-day scoping period in Kingman, Dolan Springs, and White Hills, Arizona.

The BLM held a supplemental scoping period through publication of an NOI on July 26, 2010 in the *Federal Register*. This scoping period was conducted because BP Wind Energy revised the proposed Project to include land administered by Reclamation and to eliminate some public and private land previously identified for subsequent phases of the proposed Project based on additional studies, refinement of the preliminary Project description, and comments received during initial scoping. In addition, a potential opportunity to interconnect with the Moenkopi-El Dorado transmission line located about 6 miles south of the Wind farm site was identified, which if considered, would require the construction of a new transmission line on public and private lands.

The supplemental scoping period ended September 9, 2010. Four public scoping meetings were held during the supplemental scoping period, with one at each of the three original scoping meetings communities and an additional meeting in Peach Springs, Arizona. BLM considered all input received after January 8, 2010, the official close of the first scoping period, through and including the comments received during the supplemental scoping period. Both NOIs were used to inform the public that the NEPA commenting process was also being used to help satisfy the public involvement process for Section 106 of the NHPA and invited Tribal governments to participate in the scoping process and as a cooperating agency.

The BLM and Reclamation identified significant issues to be covered during the scoping process such as, but not limited to: project alternatives, purpose and need, air quality, biological resources, cultural resources, geology and minerals, land use, recreation, transportation, noise, socioeconomics, visual resources, water, and cumulative effects.

In addition to the public meetings held during the scoping process, 104 interested agency and interested party letters were distributed at the beginning of the scoping period to Indian tribes, agencies, and stakeholder groups to introduce the Project and solicit participation in the scoping process.

6.2 DRAFT EIS DISTRIBUTION AND REVIEW

On April 27, 2012, the Notice of Availability (NOA) for the Mohave County Wind Farm Draft EIS was published in the *Federal Register*. The NOA announced the 45-day public review period, which concluded on June 11, 2012.

The Draft EIS was available on the project Website (www.blm.gov/az/st/en/prog/energy/wind/mohave.html), and hard copies were available at the

BLM Arizona State Office and KFO, as well as libraries in Boulder City, Dolan Springs, Kingman, and Peach Springs. Hard copies and CDs containing an electronic copy of the Draft EIS were sent to the Hualapai Tribe, 12 other Indian tribes, cooperating agencies, and the City of Kingman. In addition, the CD containing an electronic copy of the Draft EIS was sent to 74 interested parties that requested a copy.

Public meetings on the Draft EIS were held in Kingman, Dolan Springs, Peach Springs, and White Hills, Arizona, with a total of 83 individuals registering their attendance. The BLM received a total of 322 individual substantive comments.

6.3 FINAL EIS DISTRIBUTION AND REVIEW

On May 17, 2013, the BLM published the NOA for the Mohave County Wind Farm Project Final EIS in the *Federal Register*. The 30-day notice period initiated by the NOA concluded on June 17, 2013.

The Final EIS, which addressed all substantive public comments received on the Draft EIS, was made available on the BLM project Website (www.blm.gov/az/st/en/prog/energy/wind/mohave.html), and hard copies were available at the BLM Arizona State Office, and the BLM KFO. In addition, a CD copy was sent to five local libraries and to any party who provided comments on the Draft EIS. Any party who requested they be added to the mailing list received notification via postcard or email that the Final EIS was publically available.

The BLM received letters and emails, including a letter from the U.S. Environmental Protection Agency and an email from the NPS. While none of these letters raised substantive comments that require a response, the BLM and Reclamation considered these comments. Additionally, Defenders of Wildlife provided recommendations to FWS regarding the ECP. The BLM, Reclamation and FWS have discussed those proposed recommendations and considered them as part of this decision.

7.0 DECISION RATIONALE

DOI, as represented by the BLM and Reclamation, has carefully considered the potential effects of the proposed Project in accordance with NEPA and other environmental laws. The Acting Assistant Secretary, acting on behalf of the Secretary, has decided to authorize Alternative E as the Selected Alternative.

The BLM and Reclamation added Alternative E between the Draft and Final EISs as a direct response to potential impact concerns raised by other agencies and the public. However, the BLM and Reclamation determined that the inclusion of Alternative E does not require supplementation of the EIS, because Alternative E does not represent a substantial change in the proposed action that is relevant to environmental concerns as described in 40 CFR § 1502.9(c)(1)(i), nor does the new information represent significant environmental impacts not evaluated and considered in the Draft EIS as described in 40 CFR § 1502.9(c)(1)(ii). Instead, the BLM and Reclamation determined that Alternative E is a combination of Alternatives A and B, and therefore, is within the spectrum of the alternatives already analyzed in Draft EIS. See 40 CFR § 1502.9(c)(1)(i)-(ii); see also BLM's H-1790-1 "National Environmental Policy Handbook" at page 29 (Jan. 2008); and Reclamation's 2012 National Environmental Policy Act Handbook page 7-23. The impacts associated with constructing, operating, maintaining, and decommissioning 179 to 243 wind turbines within the corridors identified in this alternative are fully disclosed and analyzed in the Final EIS in Chapter 4.

The BLM and Reclamation have selected Alternative E based on the analysis in the Final EIS, consideration of public comments, golden eagle survey data, compliance with other required laws, and the inclusion of mitigation measures. Alternative E, the Agencies' Preferred Alternative in the Final EIS, is the alternative that best fulfills each agency's responsibilities to meet the DOI policies and commitment to achieve the goals established in Section 211 of the EPO Act of 2005, considering economic, environmental, technical, and other factors. As described in Section 2.5 of this ROD, development of Alternative E will be in phases so that less environmentally-sensitive areas are developed first and turbine corridors nearest to existing residences and in the golden eagle curtailed operations area are considered only if the nameplate generation capacity in the interconnection agreement with Western cannot be achieved without using the final development phases.

Issuing the ROW grant and ROU contract to BP Wind Energy and the ROW grant to Western as described in the Selected Alternative meets the Agencies' purpose and need, including assisting the State of Arizona in meeting established RPS and meeting Federal renewable energy directives and policies. The Selected Alternative has the least effect on biological resources, minimizes the potential for noise and visual effects on the Lake Mead NRA, and requires a minimum of a 0.25-mile setback from privately owned property. The BLM and Reclamation considered all comments submitted during the 30-day availability period following the release of the Final EIS.

7.1 BLM DECISIONS

The BLM, after careful and thorough consideration of the potential effects of the proposed Project, has decided to authorize a 30-year ROW grant to BP Wind Energy for the construction, operation, maintenance, and decommissioning of a wind-powered electrical generation facility of up to 500 MW in Mohave County, Arizona on 35,329 acres of BLM-managed land. This decision also authorizes a 30-year ROW grant to Western to construct, operate, and maintain a switchyard on BLM-managed land. The BLM approves these ROW grants to BP Wind Energy and Western in accordance with the requirements of FLPMA and the BLM's ROW regulations (43 CFR Part 2800). This approval will include the Project features of turbines aligned within corridors, access roads, an operations and maintenance building, a water well to support the operations and maintenance building, two temporary laydown/staging areas (with temporary batch plant operations), temporary and permanent meteorological (met) towers, two substations, transmission line and interconnection, and a collector line system. The approval includes the right to use the Detrital Wash Materials Pit to mine mineral materials through either a negotiated sale or competitive bid process. This decision is subject to the mitigation measures and BMPs identified in the Final EIS, along with the BLM's standard ROW stipulations being incorporated into the ROW grant.

The BLM-authorized office (AO) will authorize actual on-site construction or other surface disturbing activities through the issuance of a phased series of written NTPs. These NTPs will specify authorized activities, location of the authorized activities, and the timing of the authorized activities. Should non-compliance issues, environmental issues, or other problems be encountered during the authorized activities, the BLM AO may amend or rescind any NTP previously issued. Prior to issuance of an NTP for the Project, BP Wind Energy shall prepare and obtain the BLM's approval of an Environmental and Construction Compliance Monitoring Plan (ECCMP) and other plans based on micro-siting elements of the Project. Upon the BLM's approval, compliance with the ECCMP, final POD, the ECP/BCS, MOA and other plans will become a condition of the Project's ROW grant.

In accordance with BLM IM No. 2009-043 (Wind Energy Development Policy), the BLM will require a performance and reclamation bond in connection with the Project's ROW grant. The performance and reclamation bond is a single instrument to cover all potential liabilities. Western, being a Federal agency, is not required to submit a performance bond. The BLM required that BP Wind Energy submit decommissioning and site reclamation plans defining the reclamation, revegetation, restoration, and soil stabilization requirements for the Project area as a component of the POD (43 CFR § 2804.25(b)), which will be incorporated in the ROW. The decommissioning and site reclamation plans, along with the POD, are used to estimate the cost of decommissioning the Project and reclaiming the site, which is used to estimate the bond amount.

7.2 RECLAMATION DECISIONS

Reclamation, after careful consideration of the potential effects of the proposed Project, has decided to approve the issuance of a 30-year ROU contract to BP Wind Energy for the construction, operation and maintenance and decommissioning of those Project features on 2,791 acres of Reclamation-administered land. Reclamation approves ROU contracts in accordance

with the requirements of Reclamation's regulations (43 CFR Part 429). This approval will include the Project features of turbines aligned within corridors, access roads, temporary and permanent met towers (as applicable), and a collector line system. The mitigation measures and BMPs identified in the Final EIS will be incorporated into Reclamation's ROU contract and standard ROU stipulations.

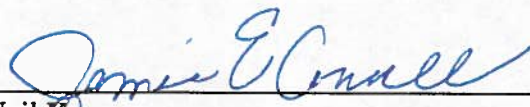
The Reclamation-authorized officer will authorize actual on-site construction or other surface disturbing activities through the issuance of a phased series of written NTPs.. These NTPs will specify authorized activities, location of the authorized activities, and the timing of the authorized activities. Should non-compliance issues, environmental issues, or other problems be encountered during the authorized activities, the Reclamation-authorized officer may amend or rescind any NTP previously issued. Prior to issuance of a NTP for the Project, the Applicant shall prepare and obtain Reclamation's approval of an ECCMP and a final Plan of Development (POD). Upon Reclamation's approval, compliance with the ECCMP the POD, which includes the ECP/BCS will become a condition of the Project's ROU contract. Reclamation will also require a performance bond to cover all potential liabilities.

8.0 FINAL AGENCY ACTION

8.1 BUREAU OF LAND MANAGEMENT

It is my decision to approve, subject to the terms, conditions, stipulations, and environmental protection measures developed by DOI, the BLM, and reflected in this ROD, the 30-year ROW grants to BP Wind Energy North America Inc., a wholly owned indirect subsidiary of BP P.L.C. This approval is for the construction, operation, maintenance, and decommissioning of a wind-powered electrical generation facility of up to a total of 500 MW-facility on Federal land, of which 35,329 acres of BLM-managed land, including the access road, temporary water line and distribution line outside of the wind farm site. It is also my decision to allow use of the Detrital Wash Materials Pit and associated water wells, to mine mineral material through either a negotiated sale or competitive bid process. It is also my decision to approve, subject to the terms, conditions, stipulations, and environmental protection measures developed by DOI, the BLM, reflected in this ROD, a 30-year ROW grant to Western Area Power Administration to the construction and operation and maintenance of a switchyard to interconnect the wind-powered electrical generation facility to the electrical power grid. This decision is effective on the date this ROD is signed.

Approved By:

for 

Neil Kornze
Principal Deputy Director
Bureau of Land Management

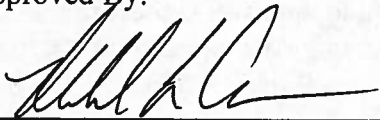
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8.2 BUREAU OF RECLAMATION

It is my decision to approve, subject to the terms, conditions, stipulations, and mitigation measures developed by DOI, Reclamation, and reflected in this ROD, a 30-year ROU contract with BP Wind Energy North America Inc., a wholly owned indirect subsidiary of BP P.L.C., for the construction, operation, maintenance, and decommissioning of Project features of a wind-powered electrical generation facility of up to a total of 500 MW on Federal land, of which 2,781 acres of Reclamation-administered land. The Project, which includes turbines, aligned within corridors, access roads, temporary and permanent met towers, and a collector line system, does not adversely impact the authorized purposes of any Reclamation project. This decision is effective on the date this ROD is signed.

Approved By:



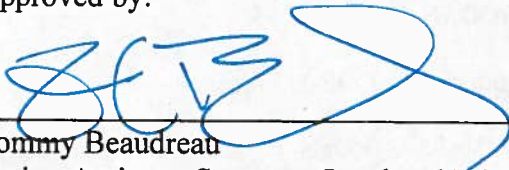
Michael L. Connor
Commissioner
Bureau of Reclamation

6/25/13
Date

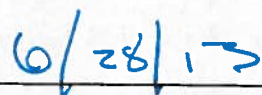
9.0 ACTING ASSISTANT SECRETARY APPROVAL

I hereby approve these decisions. My approval of these decisions constitutes the final decision of the DOI and, in accordance with the regulations at 43 CFR §§ 4.5 and 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR Part 4. Any challenge to these decisions, including the BLM Authorized Officer's issuance of the ROW grants and the Reclamation Authorized Officer's issuance of the ROU contract, as approved by my decision, must be brought in the Federal District Court.

Approved by:



Tommy Beaudreau
Acting Assistant Secretary Land and Minerals Management
U.S. Department of the Interior



Date

10.0 REFERENCES

- Bungart, Peter W. 2013. *Report of a Hualapai Ethnohistoric Study for the Mohave County Wind Farm Project in Northwestern Arizona*. Draft. Department of Cultural Resources, Hualapai Tribe, Peach Springs, Arizona.
- Bureau of Land Management. 2005a. Final Programmatic Environmental Impact Statement for Wind Energy Development on BLM-Administered Lands in the Western United States. FES 05-11. June.
- _____. 2005b. Record of Decision for the Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments. Washington, D.C., December 15.
- _____. 2008. BLM National Environmental Policy Act Handbook H-1790-1. January.
- _____. 2013. Final Environmental Impact Statement for the Mohave County Wind Farm Project. May.
- _____. 1995. Kingman Resource Area Resource Management Plan Record of Decision. Accessed on July 5, 2010 from http://www.blm.gov/az/st/en/info/nepa/environmental_library/arizona_resource_management/kingman_prmp.html.
- _____. 1993. Kingman Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement. September.
- Energy Policy Act (EPAAct). 2005. Title II, Section 211. Available at: <http://www.gpo.gov/fdsys/pkg/BILLS-109hr6enr/pdf/BILLS-109hr6enr.pdf>.
- Federal Register. 2009. Notice of Intent to Prepare an Environmental Impact Statement and Initiate Public Scoping for the Mohave County Wind Farm Project. Vol. 74, No. 223, pg. 60289. November 20.
- Federal Register. 2012. Notice of Availability for the Mohave County Wind Farm Draft EIS. Vol. 77 No. 82, April 27.
- Federal Register. 2013. Notice of Availability for the Mohave County Wind Farm Final EIS. Vol. 78 No. 96, May 17.
- National Environmental Policy Act of 1969. Pub. L. 91-190, 42 U.S.C. 4321-4347, et seq. January 1, 1970.
- U.S. Department of the Interior. 2010. Secretarial Order 3285A1 – Renewable Energy Development by the Department of the Interior. February 22. Secretarial Order 3285A1 (March 11, 2009).
- _____. 2011a. Draft Eagle Conservation Plan Guidance. January 2011, 106 pp. Available at: http://www.fws.gov/windenergy/docs/ECP_draft_guidance_2_10_final_clean_omb.pdf.