

Note to Reader: The text below is excerpted from Chapter I.1 of the September 2014 Draft Desert Renewable Energy Conservation Plan (DRECP) and explains the BLM's purpose and need of the DRECP planning effort, as well as the BLM's roles and responsibilities and decisions to be made. The BLM's purpose and need, roles and responsibilities, and decisions to be made remain essentially unchanged with the March 2015 announcement of a phased approach to completing the DRECP.

Under the National Environmental Policy Act (NEPA), the purpose and need of a proposed action establishes a basis for the development of the range of reasonable alternatives required in an Environmental Impact Statement (EIS) and assists with the identification and eventual selection of a preferred alternative. The statement should briefly specify the underlying purpose and need to which an agency (or agencies) is responding in proposing the alternatives, including the preferred alternative.

I.1.2 Bureau of Land Management Purpose and Need

The Bureau of Land Management (BLM) must respond to the increasing demand for renewable energy development and transmission, driven in part by:

- The Energy Policy Act's goal of at least 10,000 megawatts (MW) of renewable energy generation on public land as well as the more recent goal of an additional 10,000 MW on public land by 2020 (The President's Climate Action Plan, Executive Office of the President, June 2013).
- The Presidential Memorandum, issued May 17, 2013, directs federal agencies to modernize federal infrastructure review and permitting regulations, policies, and procedures. Among other best management practices, this memorandum directs federal agencies to integrate project reviews among agencies with permitting responsibilities; ensure early coordination with other federal agencies, as well as with state, local, and tribal governments; strategically engage with, and conduct outreach to, stakeholders; employ project-planning processes and individual project designs that consider local and regional ecological planning goals; utilize landscape-level mitigation practices; promote the sharing of scientific and environmental data in open-data formats to minimize redundancy, facilitate informed project planning, and identify data gaps early in the review and permitting process; and apply best environmental and cultural practices as set forth in existing statutes and policies.
- The Department of the Interior's (DOI's) established national policy goals (Secretarial Order [SO] 3285 and SO 3285A1; DOI 2009) to identify and prioritize specific locations best suited for large-scale production of solar energy on public lands; encourage the production, development, and delivery of renewable energy as one of DOI's highest priorities; and work collaboratively with others to encourage the timely and responsible development of renewable energy and associated transmission while protecting the nation's water, wildlife, and other natural resources.

- SO 3330 establishes a DOI-wide mitigation strategy that will ensure inconsistency and efficiency in the review and permitting of infrastructure development projects and in conserving our nation’s valuable national and cultural resources (DOI 2013). This strategy includes the use of a landscape-scale approach to identify and facilitate investment in key conservation priorities in a region, early integration of mitigation considerations in project planning and design, ensuring the durability of mitigation measures over time, ensuring transparency and consistency in mitigation decisions, and a focus on mitigation efforts that improve the resilience of our nation’s resources in the face of climate change.

Meeting this goal will require the BLM to coordinate closely with the State of California in the permitting of renewable energy and transmission projects proposed on federally administered lands while also considering the state’s Renewable Energy Portfolio goals (see Executive Order 13604 [77 FR 18887] on improving infrastructure permitting and review, Section 3[a(i)] on federal-state coordination). To accommodate this growth in renewable energy, the BLM also needs to consider changing land use allocations and management prescriptions in its California Desert Conservation Area (CDCA) Plan and Caliente and Bishop Resource Management Plans (RMPs) to address potential renewable energy and transmission development in the Plan Area.

BLM’s objective for the DRECP and EIR/EIS is to:

- Conserve biological, physical, cultural, social, and scenic resources.
- Promote renewable energy and transmission development, consistent with federal renewable energy and transmission goals and policies, in consideration of state renewable energy targets.
- Comply with all applicable federal laws, including the BLM’s obligation to manage the public lands consistent with the Federal Land Policy and Management Act’s (FLPMA) multiple-use¹ and sustained yield² principles, unless otherwise specified by law.
- “Preserve the unique and irreplaceable resources, including archaeological values, and conserve the use of the economic resources” of the CDCA (FLPMA 601[a][6]; 43

¹ The term “multiple use” means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output (FLPMA 103[c]; 43 U.S.C. 1701 et seq.).

² The term “sustained yield” means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use (FLPMA 103[h]; 43 U.S.C. 1701 et seq.).

United States Code [U.S.C.] 1701 et seq.).

- Identify and incorporate public lands managed for conservation purposes within the CDCA as components of the National Landscape Conservation System (NLCS), consistent with the Omnibus Public Land Management Act of 2009 (PL 111-11).
- Amend existing land use plans consistent with the criteria in FLPMA and the CDCA Plan.
- Coordinate planning and management activities with other federal, state, local, and tribal planning and management programs by considering the policies of approved land resource management programs, to the extent consistent with federal law.
- Make some land use allocation decisions outside the Plan Area but within the CDCA, including Visual Resource Management Classes, land use allocations to replace multiple-use classes, and NLCS designations.

I.1.2.1 Bureau of Land Management Roles and Responsibilities

The BLM is an agency of the DOI authorized by Congress to manage and regulate federal public lands. The BLM promulgates rules and land use authorizations, including the permitting of renewable energy and transmission facilities on public lands. The BLM develops land use plans to ensure that public lands are managed to protect various resource values while providing for human occupancy and use under the mandates of multiple use and sustained yield, while still allowing the possibility for change as required by federal law. Proponents for utility-scale solar and wind renewable energy facilities must obtain a right-of-way grant from the BLM to operate on federal public land. Geothermal energy resources development is permitted under the BLM's geothermal leasing program.

The BLM also has specific responsibilities and authorities to consider, plan for, protect, and enhance historic properties and other resources that may be affected by its actions, in compliance with FLPMA, NEPA, the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and implementing regulations (36 Code of Federal Regulations [CFR] 800), the Archaeological Resources Protection Act, the Native American Graves Protection and Repatriation Act, the Historic Sites Act of 1935, the Antiquities Act, the American Indian Religious Freedom Act, the Religious Freedom Restoration Act, Indian Sacred Sites (Executive Order [EO] 13007, 61 FR 26771 et seq.), Preserve America (EO 13287), Consultation and Coordination with Indian Tribal Governments (EO 13175), and related authorities.

In carrying out its responsibilities specific to the National Historic Preservation Act, the BLM has (1) developed policies and procedures through its directives system (BLM 2004); (2) executed a national programmatic agreement in 2012 to help guide the BLM's planning and decision making as it affects historic properties as defined in the National Historic Preservation Act; (3) executed a programmatic agreement in 2012 among the BLM and the State Historic Preservation Officers of six western states (including the California State Historic Preservation Officer) and the Advisory Council on Historic Preservation regarding solar energy development on lands administered by the BLM; and (3) assembled cultural

heritage specialists to advise BLM managers and to implement cultural heritage policies consistent with the BLM's statutory authorities.

1.1.2.1.1 DRECP Development

The BLM has entered into the Memorandums of Understanding related to DRECP development to establish the Renewable Energy Action Team (REAT), establish the Renewable Energy Policy Group, participate with other agencies, and implement California renewable energy goals. During the planning process for the DRECP, BLM has used the findings of the Solar Programmatic Environmental Impact Statement (BLM and DOE 2010) and other relevant BLM studies and analyses to help inform DRECP development.

1.1.2.1.2 Federal Endangered Species Act

The BLM will make a decision whether to amend its land use plans within and outside the Plan Area. Furthermore, within the CDCA boundary, the BLM will make decisions regarding NLCS designations. These decisions will constitute a federal action subject to Section 7 consultation under the federal Endangered Species Act (ESA). For a full description of Section 7(a)(2) interagency cooperation process, see Section I.2.1.3, Endangered Species Act of 1973. The BLM will use the DRECP as a basis for consultation with the U.S. Fish and Wildlife Service (USFWS). In addition, under ESA Section 7(a)(1), all federal agencies shall, in consultation with and with the assistance of the Secretary of the Interior, utilize their authorities in furtherance of the purposes of the ESA by carrying out programs for the conservation of listed endangered and threatened species (16 U.S.C. 1531 et seq.). The Biological Opinion may also include a Conference Opinion for any proposed species or critical habitat (50 CFR 402.10).

1.1.2.1.3 Bureau of Land Management Land Use Plan Amendments

BLM regulations (43 CFR 1610.5-5) allow BLM land use plans to be changed through amendment. The BLM may determine that an amendment is needed to consider monitoring and evaluation findings, new data, new or revised policy, or a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions, and decisions of an approved plan. The BLM regulations (43 CFR 1600) guide preparation of land use plan amendments, which must also undergo NEPA analysis as detailed in the Council on Environmental Quality regulations (40 CFR 1500) and DOI regulations (43 CFR 46). BLM is the lead agency for NEPA under FLPMA, and USFWS is the lead for NEPA under the ESA.

1.1.2.2 Bureau of Land Management Decisions to Be Made

The BLM will decide whether to amend the CDCA Plan, as currently amended, as well as the Caliente and Bishop RMPs. These amendments would identify desired outcomes expressed as specific goals and objectives, and allowable uses and management actions designed to achieve those specific goals and objectives. Specifically, in furtherance of the purpose of the

DRECP to conserve biological, environmental, cultural, social, and scenic resources; respond to federal renewable energy goals and policies and consider state renewable energy targets; and comply with the FLPMA multiple-use management goals, the plan amendments would identify:

- Areas of the public lands that are suitable and available for utility-scale solar, wind, and geothermal energy development and transmission, and where that development can be focused and streamlined
- Areas of the public lands that are not suitable and are unavailable for these types of uses
- Areas of the public lands and actions that may be used as mitigation for these types of uses
- Public lands within the CDCA to be managed as components of the NLCS pursuant to the Omnibus Public Lands Management Act
- Other changes to land use allocations on the public lands, including but not limited to multiple-use classes in the CDCA, Visual Resource Management Classes, special recreation management areas, National Trail Management Corridors, wildlife and plant management areas, Areas of Critical Environmental Concern, and utility corridors
- Allowable uses, management actions, stipulations, best management practices, and mitigation measures to reduce or avoid impacts associated with large ground-disturbing activities, including renewable energy and transmission projects on public lands, and allowable uses and management actions designed to enhance resources and visitor experiences on public lands.