

I.1 PURPOSE AND NEED

I.1.1 Interagency Objectives/Purpose and Need

The interagency goal of the Desert Renewable Energy Conservation Plan (DRECP) is to provide a streamlined process for the development of utility-scale renewable energy generation and transmission consistent with federal and state renewable energy targets and policies, while simultaneously providing for the long-term conservation and management of special-status species and vegetation types as well as other physical, cultural, scenic and social resources within the DRECP Plan Area with durable and reliable regulatory assurances.

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 of renewable energy generation on public land as well as the more recent goal of an additional 10,000 megawatts on public land by 2020 (Executive Office of the President 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 consistency and efficiency in the review and permitting of infrastructure development projects and in conserving the 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 renewable energy production and policy goals will require the BLM to coordinate closely with the State of California in permitting 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 Federal Register (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 Bakersfield and Bishop Resource Management Plans to address potential renewable energy and transmission development in the DRECP Plan Area.

BLM’s objectives for the DRECP and Environmental Impact Statement (EIS) are 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.

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.).

- “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 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 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 DRECP 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 issues 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 construct and 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, National Environmental Policy Act (NEPA), the National Historic Preservation Act of 1966 (54 U.S.C. 300101 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 (61 FR 26771 et seq.), Preserve America (68 FR

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.).

10635), Consultation and Coordination with Indian Tribal Governments (65 FR 67249 et seq.), 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 (4) 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 and Final EIS Development

The BLM has entered into Memorandums of Understanding for DRECP development to establish the Renewable Energy Action Team and Renewable Energy Policy Group, participate with other agencies, and implement State renewable energy goals. The BLM used the findings of the Solar Programmatic EIS (BLM and DOE 2010) and other relevant BLM studies and analyses to help inform DRECP and Final EIS development.

1.1.2.1.2 Federal Endangered Species Act

The BLM will make a decision as to whether to amend its land use plans within and outside the DRECP 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. For a full description of Section 7(a)(2) interagency cooperation process, see Section I.2.1.3, Federal Endangered Species Act of 1973. The BLM will use the DRECP as a basis for consultation with the U.S. Fish and Wildlife Service. 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 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 of 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).

I.1.2.2 Decisions to Be Made

The BLM will decide whether to amend the CDCA and the Bakersfield and Bishop land use plans. These amendments would identify goals and objectives, and allowable uses and management actions designed to achieve those goals and objectives. Specifically, in furtherance of the purpose of the DRECP and the Land Use Plan Amendment (LUPA) 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 not previously identified in the CDCA Plan 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 for conservation and identified 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.

INTENTIONALLY LEFT BLANK