



Executive Summary for the Record of Decision

DESERT RENEWABLE ENERGY CONSERVATION PLAN DRECP

Executive Summary for the Record of Decision for the Land Use Plan Amendment to the California Desert Conservation Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan

Prepared by the U.S. Bureau of Land Management | September 2016



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Joshua tree, by KiskaMedia

Desert tortoise, by Bureau of Land Management

Solar and wind facility, by Tom Brewster Photography

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PART ONE: INTRODUCTION

1.1 BACKGROUND AND OVERVIEW

The Mojave and Colorado/Sonoran desert regions of Southern California are home to a diverse assemblage of resources, sensitive species, and habitats. It also possesses a robust cultural heritage and provides a range of recreational opportunities for residents and visitors alike. The California desert also supports a variety of communities, military installations, and business interests, including agriculture, mining, and tourism. This region has an abundance of some of the best solar, wind, and geothermal resources in the nation. These renewable resources have played and will continue to play a critical role in meeting the nation's energy needs, promoting energy independence, and reducing greenhouse gases to address climate change over the next several decades.

The Desert Renewable Energy Conservation Plan (DRECP) is a collaborative, interagency landscape-scale planning effort covering 22.5 million acres in seven California counties—Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego. The plan was conceived and developed through an unprecedented collaborative effort by the Renewable Energy Action Team Agencies (REAT Agencies; also known as the DRECP partner agencies), which consists of the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (USFWS), California Energy Commission (CEC), and California Department of Fish and Wildlife (CDFW). Recognizing the diverse values and resources found in

the Mojave and Colorado/Sonoran desert regions, the REAT Agencies vision for the DRECP was to:

1. Advance federal and state natural resource conservation goals and other federal land management goals.
2. Meet the requirements of the federal Endangered Species Act (ESA) and Federal Land Policy and Management Act (FLPMA).
3. Facilitate the timely and streamlined permitting of renewable energy projects.

The planning effort is focused on the desert regions in the seven California counties identified above. As part of Phase I, the BLM has prepared this Record of Decision (ROD) approving its Land Use Plan Amendment (LUPA) to the California Desert Conservation Area (CDCA) Plan, and Bishop and Bakersfield Resource Management Plans (RMPs). The LUPA represents the public-lands component of the DRECP, identifying areas appropriate for renewable energy development, as well as areas important for biological, environmental, cultural, recreation, social, and scenic conservation, consistent with the FLPMA multiple-use and sustained yield requirements. The amendments have been designed to result in an efficient and effective biological conservation and mitigation program providing renewable energy project developers with permit streamlining and cost containment while at the same time conserving, restoring, and enhancing natural communities and related ecosystems.

The BLM LUPA Decision Area, depicted in Figure 1, includes BLM-managed public lands within the interagency DRECP Plan Area plus the additional BLM lands covered by the CDCA Plan that are outside the DRECP Plan Area. The LUPA Decision Area includes the CDCA and portions of the Bishop and Bakersfield RMPs, and encompasses the Mojave Desert and the Colorado/Sonoran Desert ecoregion subareas in California, including lands in portions of Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego counties.

The BLM LUPA was developed in collaboration with other federal, state, and local agencies, tribal

governments, and through public comments on the Draft DRECP and Environmental Impact Report/Environmental Impact Statement (EIR/EIS), protests, comments on the Proposed LUPA and Final EIS, and public input provided during the 60-day Area of Critical Environmental Concern (ACEC) public comment period. While the BLM LUPA only applies to BLM-managed lands, it will serve as a foundation for renewable energy and conservation planning in the desert, which will assist partner agencies in meeting both federal and state climate change and conservation goals.

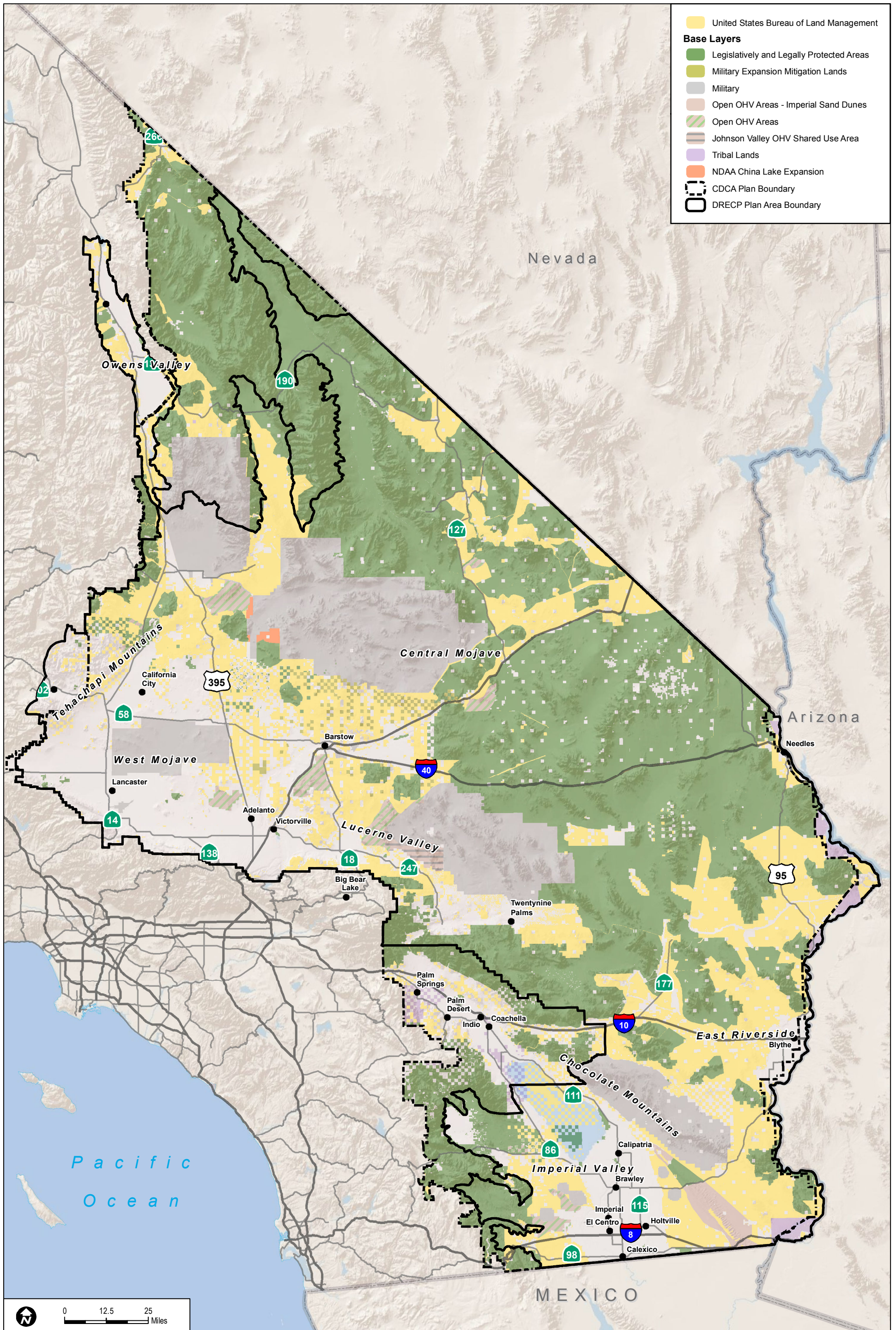
1.2 PLANNING GOALS

The DRECP has two primary goals. One is to provide a streamlined process for the development of utility-scale renewable energy generation and transmission in the deserts of Southern California consistent with federal and state renewable energy targets and policies. The

other is to provide for the long-term conservation and management of special-status species and desert vegetation communities, as well as other physical, cultural, scenic, and social resources within the DRECP Plan Area through the use of durable regulatory mechanisms.

BLM's objectives for the DRECP, as reflected in the LUPA, 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 FLPMA's multiple use and sustained yield principles, unless otherwise specified by law.
- ▶ Comply with Congressional direction regarding management of the CDCA in Section 601 of FLPMA, including to "[p]reserve 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.]1781(a)(6).
- ▶ 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 (Public Law 111-11) ("Omnibus Act").
- ▶ 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.
- ▶ Ensure that the BLM land use plan is consistent with state and local plans to the maximum 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.



Sources: ESRI (2016); CEC (2013); BLM (2016); CDFW (2013); USFWS (2013)

FIGURE 1
DRECP LUPA Decision Area

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Through this ROD, the BLM is deciding to amend the CDCA Plan and the Bakersfield and Bishop RMPs. These amendments identify goals, objectives,

allowable uses, and management actions designed to achieve those goals and objectives.

1.3 PLANNING PROCESS

The BLM LUPA planning process was used to (1) identify California Desert National Conservation Lands for inclusion in the NLCS under the Omnibus Act and (2) make land use planning decisions to guide future management actions and subsequent site-specific implementation decisions.

Identification of California Desert National Conservation Lands

The BLM LUPA identifies California Desert National Conservation Lands based on those lands having outstanding ecological, cultural, and scientific values, consistent with the Omnibus Act. In addition to specific ecological, cultural, and scientific criteria for inclusion, several factors were considered that affect the context of “nationally significant” and “outstanding” resources and values, including development pressure, landscape intactness, scenic quality, BLM jurisdiction, and landscape linkages.

The Approved LUPA also establishes Conservation and Management Actions (CMAs) to conserve, protect, and restore these lands. Following identification, under Section 2002(b)(2) of the Omnibus Act, these lands qualify as an “area designated by Congress to be administered for conservation purposes” and are a component of the NLCS. Under the Omnibus Act, once identified, these lands can only be removed from the NLCS through an act of Congress; their designation cannot be changed through a subsequent land use planning process.

Land Use Planning Decisions

An integrated LUPA planning process was used to develop land use planning decisions across the LUPA planning areas that address renewable energy

development, biological conservation, and recreation. The REAT Agencies renewable energy planning process involved identifying desert locations that are most compatible with renewable energy development—areas with high-quality renewable energy resources that are close to existing or planned transmission and that have relatively low biological resource value. The agencies went through a biological conservation planning process to identify areas important for biological conservation and developed a biological conservation strategy. Finally, the BLM identified areas important for recreational use and refined recreation designations based on public input, feedback from user groups, and agency expertise.

The Approved LUPA was selected based on its balancing of the DRECP’s renewable energy and conservation goals, as well as FLPMA’s mandate for BLM to manage the public lands for multiple uses and sustained yield, and the requirements of the Omnibus Act. For the reasons outlined in this ROD, the Approved LUPA best meets the BLM’s purpose and need and the applicable statutory and regulatory requirements.

With respect to renewable energy development, the LUPA makes more than 800,000 acres of land potentially available for renewable energy development. The LUPA designates approximately 388,000 acres of Development Focus Areas (DFA). These are areas with substantial energy generation potential, access to existing or planned transmission, and low resource conflicts. CMAs have been developed to provide certainty in order to help streamline and incentivize utility-scale renewable energy generation in these areas. The DFAs designated by the LUPA will accommodate more than 8,100 megawatts (MWs) of mixed technology renewable energy, as part of the overall

DRECP 20,000 MW planning assumption on public and private land. Based on generalized assumptions, the 388,000 acres of DFAs are capable of providing enough area for approximately 27,000 MWs of renewable energy generation capacity using current technology.


In addition to the DFAs, there are approximately 40,000 acres of Variance Process Lands (VPLs) where renewable energy development may be considered and could be approved without a plan amendment. Additionally, there are 419,000 acres of General Public Lands (referred to as “Unallocated Lands” in the Proposed LUPA and Final EIS) and 35,000 acres of Extensive Recreation Management Areas (ERMAs) (not overlaid by a conservation allocation) where renewable energy development may also be considered, but a plan amendment would be necessary as part of project review and approval.

In addition, the Approved LUPA identifies approximately 3,956,000 acres of California Desert National Conservation Lands, and allocates 6,527,000 acres of total conservation designations (i.e., California Desert National Conservation Lands; existing, modified, and new ACECs; and Wildlife Allocations) for biological, cultural, and other natural resource protection. These conservation lands connect existing protected areas to the larger landscape, facilitating ecological function, and

enabling wildlife to move across the desert and adapt to a changing climate. Management actions are also identified for these areas to protect these resources. The conservation lands protect more localized, but important, resources, such as cultural sites or unique vegetative communities and plant assemblages, with site-specific management identified in Special Unit Management Plans.

Finally, the Approved LUPA allocates approximately 2,691,000 acres of Special Recreation Management Areas (SRMAs) and 903,000 acres of ERMAs, which recognizes the importance of recreation in the California desert, providing for protection and management of this use.

The Approved LUPA was modified in response to input received during the protest period and the ACEC comment period. Those changes include, among other things, modifications and/or clarifications to various CMAs and minor modifications to ACEC boundaries. Those changes are with the range of alternatives analyzed in the EIS. The basis for the BLM’s decision to approve the LUPA is the analysis of environmental impacts in Volume IV of the Final EIS, renewable energy planning assumptions developed in partnership with the CEC, and on the cooperating agency, stakeholder, and public input gathered throughout the planning process.



PART TWO: DECISION

2.1 DESCRIPTION OF THE APPROVED LUPA

Summary of the Approved LUPA

The Approved LUPA is based, with minor modifications, on the Proposed LUPA analyzed in the Final EIS. Figure 2 provides an overview of the Approved LUPA components.

At the broadest level, the Approved LUPA includes the following components:

- ▶▶ **Development Focus Areas (DFAs).** The areas within which solar, wind, and geothermal renewable energy development and associated activities are allowable uses and that have been determined to be of low or lower resource conflict. The intent is to incentivize and streamline such development in these areas.
- ▶▶ **Variance Process Lands (VPLs).** These lands are available for solar, wind, and geothermal renewable energy development. Renewable energy projects on VPLs have minimal streamlining, and must comply with a specific set of CMAs. Renewable energy applications in VPLs will follow the variance process described in the Western Solar Plan ROD.
- ▶▶ **General Public Lands (“Unallocated Lands” in the Proposed LUPA).** BLM-administered lands that do not have a specific land allocation or designation. These areas are available to renewable energy applications, but are not subject to permit review streamlining or other incentives, and thus would be subject to site-specific plan amendment for such development. The Approved LUPA includes CMAs that apply to activities in General Public Lands.
- ▶▶ **BLM Conservation Areas.** Under the Approved LUPA, the following conservation designations are approved: ACECs and Wildlife Allocations. The Approved LUPA also identifies California Desert National Conservation Lands under the Omnibus Act. Figure 3 shows the BLM Conservation Areas.
- ▶▶ **Recreation Management Areas.** The Approved LUPA includes two types of recreation management areas: SRMAs and ERMAs. Figure 4 shows the Recreation Management Areas. As noted above, ERMAs that do not have a conservation allocation overlay are available for renewable energy development, subject to a site-specific plan amendment.

Table 1 provides a summary of the Approved LUPA.

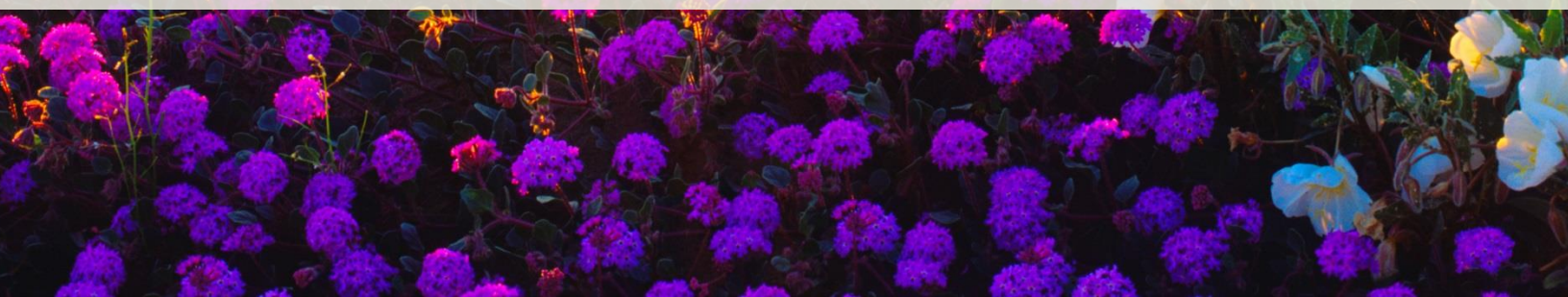


Table 1. DRECP LUPA Summary

Land Allocations	Acreage ^{1, 2}
DFAs	388,000
VPLs	40,000
Total BLM LUPA Conservation Designations ³	6,527,000
Recreation Management Areas (SRMAs and ERMAs) ⁴	3,595,000
General Public Lands	419,000
DRECP LUPA Area Total⁵	10,818,000

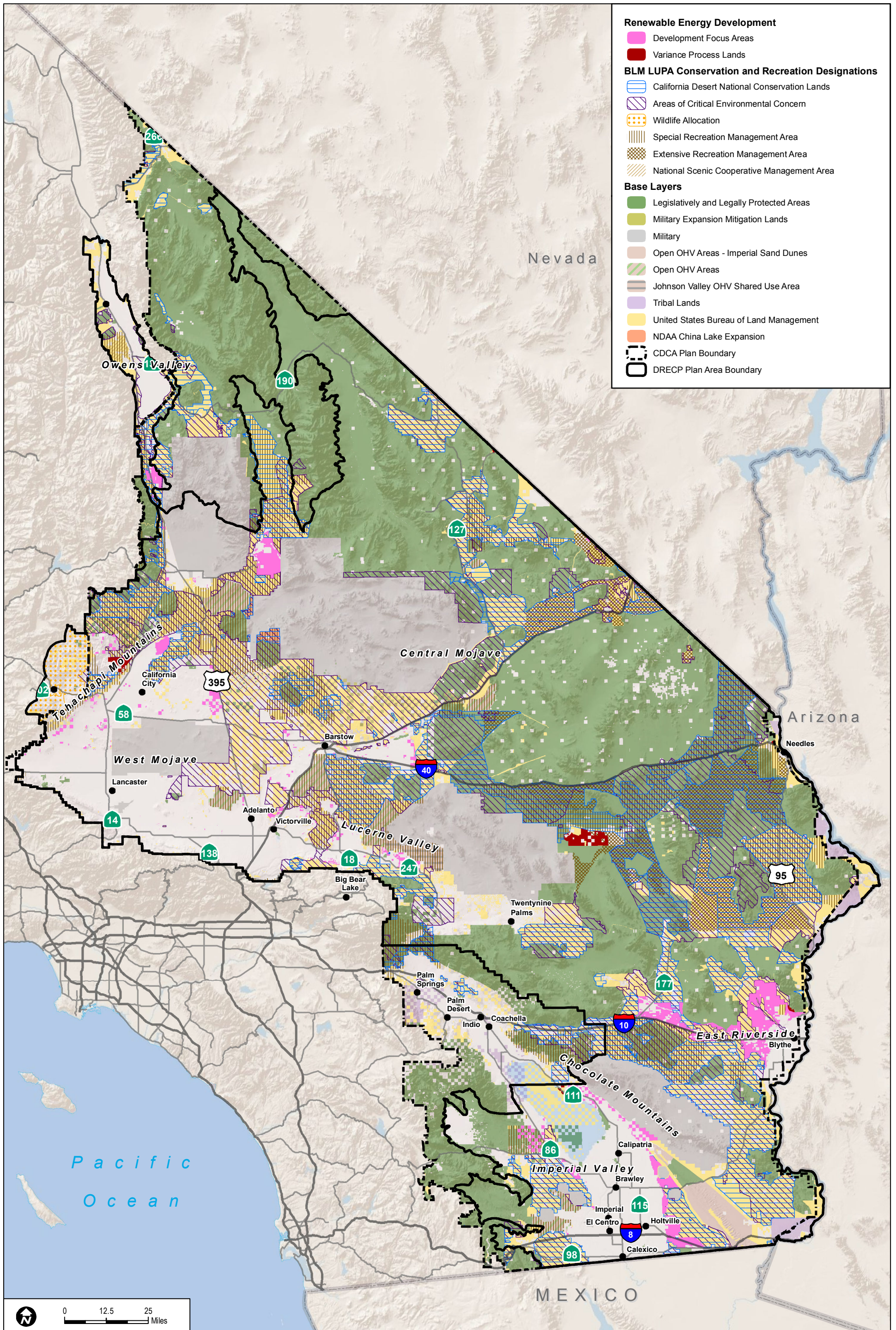
¹ The following general rounding rules are applied to acreage values: values greater than 1,000 were rounded to nearest 1,000; values less than 1,000 and greater than 100 were rounded to the nearest 100; values of 100 or less were rounded to the nearest 10, and therefore totals may not sum due to rounding. In cases where subtotals are provided, the subtotals and the totals are individually rounded. The totals are not a sum of the rounded subtotals; therefore, the subtotals may not sum to the total within the table.

² Acres are BLM administered lands only.

³ Includes California Desert National Conservation Lands, ACECs, and Wildlife Allocations. A portion of this acreage overlaps Existing Conservation Areas (e.g., Wilderness, Wilderness Study Areas, and National Monuments) and Recreation Designations.

⁴ Includes SRMAs and ERMAs. A portion of this acreage overlaps Existing Conservation Areas and LUPA Conservation Designations.

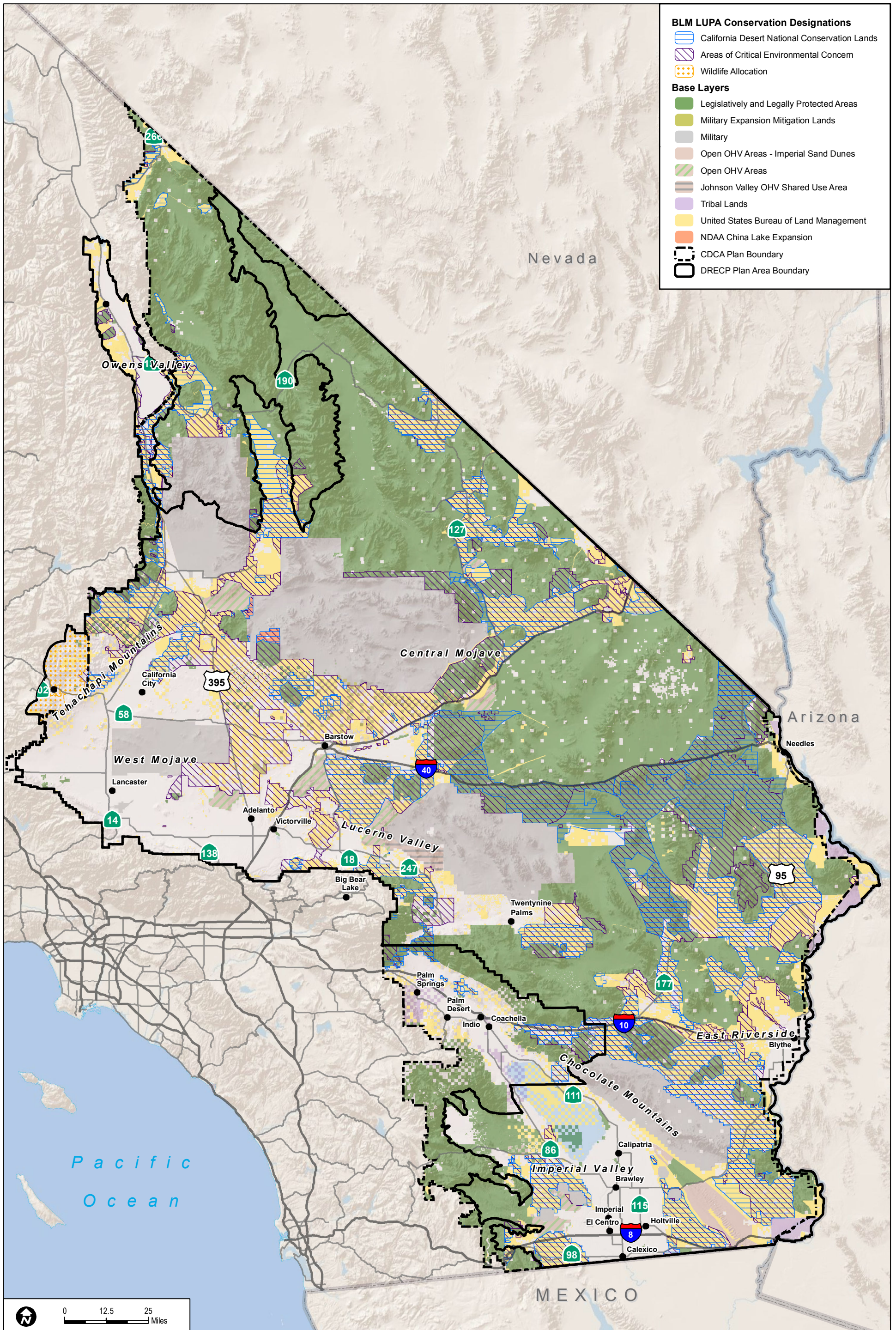
⁵ Reflects the total acreage of BLM administered lands in the DRECP LUPA Decision Area; Total is not a sum of the LUPA components due to overlapping designations.



Sources: ESRI (2016); CEC (2013); BLM (2016); CDFW (2013); USFWS (2013)

FIGURE 2
DRECP LUPA Major Land Allocations

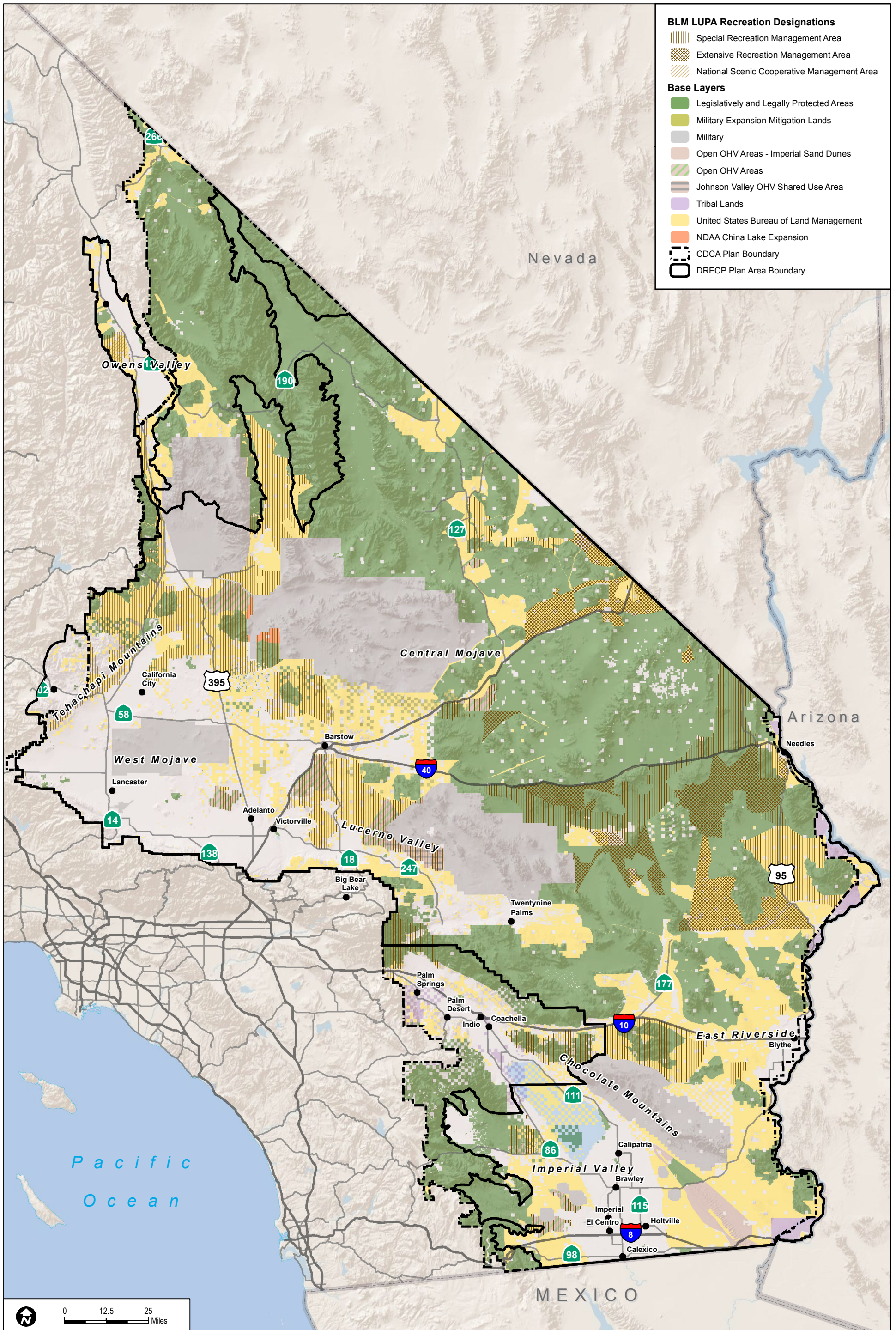
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Sources: ESRI (2016); CEC (2013); BLM (2016); CDFW (2013); USFWS (2013)

FIGURE 3
DRECP LUPA Conservation Designations

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Sources: ESRI (2016); CEC (2013); BLM (2016); CDFW (2013); USFWS (2013)

FIGURE 4
DRECP LUPA Recreation Designations

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In addition to the land use allocations listed above, land use plan decisions for public lands fall into two categories: desired outcomes (goals and objectives), and allowable uses (including restricted or prohibited) and management actions anticipated to achieve desired outcomes. In the Approved LUPA, CMAs represent those management actions and allowable uses. The Approved LUPA includes goals and objectives and CMAs governing activities in the Decision Area for the following resources:

- ▶▶ Biological Resources
- ▶▶ Air Resources
- ▶▶ Climate Change and Adaption
- ▶▶ Comprehensive Trails and Travel Management
- ▶▶ Cultural Resources and Tribal Interest
- ▶▶ Lands and Realty
- ▶▶ Livestock Grazing
- ▶▶ Minerals
- ▶▶ Paleontology
- ▶▶ Recreation and Visitor
- ▶▶ Services
- ▶▶ Soil, Water, and Water-Dependent Resources
- ▶▶ Special Vegetation Features
- ▶▶ Vegetation
- ▶▶ Visual Resources Management
- ▶▶ Wild Horses and Burros
- ▶▶ Wilderness Characteristics

The CMAs identify a specific set of avoidance, minimization, and compensation measures, and allowable and non-allowable actions for siting, design, pre-construction, construction, maintenance, implementation, operation, and decommissioning activities on BLM-managed lands. These CMAs provide certainty on what avoidance and minimization measures, design features, and compensation/mitigation measures would be required for a particular action within any one of the LUPA's land use allocation types. Some CMAs apply planning-area wide, whereas

others apply only with specific allocations. As a result of additional internal reviews and public comment received, the BLM has revised, clarified, and/or modified a number of CMAs to address the concerns raised. These changes are within the range of alternatives and help clarify requirements for activities on BLM-administered lands.

The Approved LUPA also includes amendments to the CDCA, both within and outside of the interagency DRECP Plan Area. This includes land use allocations to replace the CDCA Plan multiple-use classes, establishment of Visual Resource Management Classes, and identification of California Desert National Conservation Lands.

As explained above, the Approved LUPA identifies California Desert National Conservation Lands, and establishes CMAs to conserve, protect, and restore these landscapes.

What the ROD and Approved LUPA Does Not Provide

The Approved LUPA:

- ▶▶ Does not include decisions for public lands outside of the LUPA Decision Area.
- ▶▶ Recognizes valid existing rights, which may not be denied or extinguished through a plan amendment.
- ▶▶ Applies to BLM-administered lands within the LUPA Decision Area and does not include decisions for lands not administered by the BLM.
- ▶▶ Does not make decisions that are not appropriate at this level of planning, such as statutory requirements, national policy, or funding and budget allocations.
- ▶▶ Does not contain implementation decisions (i.e., activity-level decisions), which are management actions tied to a specific location.
- ▶▶ Does not propose or recommend withdrawing any new areas from location or entry under the United States mining laws.

Modifications and Clarifications

The Approved LUPA includes minor modifications, clarifications, and boundary adjustments from the Proposed LUPA. These minor modifications, clarifications, and boundary adjustments were made as a result of internal reviews, response to protests, and response to ACEC comments and other public feedback. These changes include terminology changes, minor allocation and boundary changes, and

refinement, clarification, and modification of CMAs. These minor modifications, clarifications, and boundary adjustments are within the range of alternatives analyzed in the Proposed LUPA and Final EIS, are consistent with the ESA Section 7 USFWS Biological Opinion, do not require amendment to the National Historic Preservation Act (NHPA) Section 106 Programmatic Agreement, and do not constitute a significant change from the Proposed LUPA.

2.2 PROTEST RESOLUTION

The BLM Director received 43 timely protest submissions. All but one of the protesting parties had standing and two submissions were dismissed because they did not contain any valid protest points, pursuant to 43 Code of Federal Regulations (CFR) 1610.5-2. The BLM Director granted one protest point—that the Notices of Availability of the DRECP Draft LUPA and the DRECP Proposed LUPA did not meet the regulatory requirements for proper noticing and providing for opportunities for public comment on the proposed ACECs. The BLM resolved this issue by publishing a subsequent Federal Register notice on March 11, 2016, and

providing a 60-day public comment period on the proposed ACECs and management actions. On all other valid protest points, the BLM Director concluded that the BLM had followed all applicable laws, regulations, and policies and had considered all relevant resource information and public input in developing the Proposed LUPA and Final EIS. The Director's decisions on the protests are summarized in the Proposed LUPA and Final EIS Director's Protest Resolution Report, which is available online: http://www.blm.gov/wo/st/en/prog/planning/planning_overview/protest_resolution/protestreports.html.

2.3 GOVERNOR'S CONSISTENCY REVIEW

In accordance with BLM planning guidelines, the BLM submitted the Proposed LUPA to the Governor's Office of Planning and Research as an opportunity to identify any inconsistencies with state or local plans,

policies, or programs. In a letter dated January 7, 2016, the Governor's Office did not identify any inconsistencies between the Proposed LUPA and any state or local plans, policies, or programs.



PART THREE: ALTERNATIVES

3.1 ALTERNATIVES CONSIDERED IN DETAIL

In addition to the Proposed LUPA, the Final EIS included five alternatives: four action alternatives and a No Action Alternative. Each action alternative's configuration of DFAs reflects a different approach to balancing the goals of minimizing resource conflicts and maximizing opportunities to site renewable energy projects in areas of high-value renewable energy resources:

Alternative 1 emphasized development in low biological resource conflict areas. The California Desert National Conservation Lands emphasized intact landscapes and high scenic values.

Alternative 2 emphasized siting and design flexibility for renewable energy development. This alternative also represented the maximum California Desert National Conservation Lands footprint.

Alternative 3 was a variation on Alternative 1, emphasizing scientific uncertainty, both in energy and conservation design. California Desert National Conservation Lands in this alternative focused on habitat connectivity and scientific uncertainty.

Alternative 4 was a variation on Alternative 2, with more of an emphasis on carrying forward the Western Solar Plan, and maintaining the variance lands designated through the Western Solar Plan. This alternative integrated California Desert National Conservation Lands with DFAs and Western Solar Plan Variance Lands.

Under the No Action Alternative, the BLM would not amend its land use plans, and the BLM conservation strategy for the California desert region would continue to apply as reflected in the current and existing land use plan/RMPs.

3.2 ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD IN DETAIL

Throughout the planning phase of the DRECP and BLM LUPA, agencies, stakeholders, and members of the public suggested and refined a number of reserve design and renewable energy development alternatives. These suggestions were generally incorporated into the Approved LUPA, Alternatives

1 through 4, or were considered as part of the No Action Alternative. For some, they were either not described in sufficient detail to be considered or were outside of the scope of the DRECP and not carried forward. The alternatives are described in more detail in the Proposed LUPA and Final EIS.



3.3 ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The BLM has identified Alternative 3 as the Environmentally Preferable Alternative, as required by Council on Environmental Quality (CEQ) regulations (40 CFR 1505.2(b)). However, the BLM determined that the DFA footprint within the Proposed LUPA better met the purpose and need by providing additional flexibility and

opportunities for streamlined and incentivized renewable energy development. Additionally, the CMAs and conservation allocations and designation provided adequate protection for the long-term conservation of biological and cultural resources, and maintain multiple uses throughout the DRECP Decision Area.

PART FOUR: PUBLIC INVOLVEMENT, CONSULTATION, AND COORDINATION

4.1 PUBLIC INVOLVEMENT

The Approved LUPA was developed using a thorough and extensive public involvement process, including:

- ▶▶ Noticing and public scoping
- ▶▶ Additional opportunities for public comment before publication of the Draft EIR/EIS
- ▶▶ Public meetings on the Draft EIR/EIS
- ▶▶ Notices regarding the Draft EIR/EIS
- ▶▶ Comments on the Draft EIR/EIS
- ▶▶ Comments on the Proposed ACECs
- ▶▶ Protests on the Proposed LUPA

4.2 STAKEHOLDER INVOLVEMENT AND OTHER OUTREACH

Stakeholder Group

As part of the interagency DRECP planning process, the State of California established the DRECP Stakeholder Committee. The Stakeholder Committee was composed of individuals from local governments, environmental organizations, electric utilities, renewable energy industry associations, renewable energy project developers, a coalition of Native American tribes, and off-highway vehicle (OHV) associations. Stakeholder Committee meetings were open to the general public. The Stakeholder Committee met approximately monthly from March 2010 until July 2012.

Workshops and Information Sharing

Since the initiation of the DRECP, the REAT Agencies have been invited to a number of public workshops to provide information and status updates regarding the DRECP process to the interested members of the public and other agencies. Examples of the workshops include county meetings in Independence, Inyo County; Lucerne Valley and Yucca Valley, San Bernardino County; the BLM California Desert District Advisory Council; and the California Off-Highway Motor Vehicle Recreation Commission. Information sharing was also facilitated through the DRECP

Gateway, DataBasin (<http://drecep.databasin.org/>), which is a Web-based system designed and maintained to support conservation decision making. The DRECP Gateway allowed individuals and organizations to explore and download the library of DRECP datasets and to view, analyze, and print selected data maps. It was operational in fall 2014 and remains up to date and operational as of the signing of the ROD.

Cooperating Agencies

Under the National Environmental Policy Act (NEPA), a “cooperating agency” includes any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative (40 CFR

1508.5). NEPA cooperating agencies for the DRECP include:

- ▶▶ National Park Service
- ▶▶ USFWS (co-lead on Draft EIS)
- ▶▶ Department of Defense
- ▶▶ California Department of Fish and Wildlife (co-lead on Draft EIR)
- ▶▶ California Energy Commission (co-lead on Draft EIR)
- ▶▶ California Independent System Operator

In addition to these formal cooperating and responsible agencies, BLM consulted with the following local agencies throughout the DRECP area: the City of Lancaster, Town of Apple Valley, and Imperial, Riverside, San Bernardino, Kern, Inyo, Los Angeles, and San Diego counties.

4.3 ENDANGERED SPECIES ACT CONSULTATION

The USFWS, as a REAT Agency, ESA Section 10 permitting agency, Draft DRECP EIS NEPA co-lead agency, and Final EIS cooperating agency, participated in interdisciplinary and leadership team meetings throughout the entire DRECP planning process. As an ESA Section 10 permitting agency and NEPA co-lead, the USFWS helped develop the alternatives and related analyses. It also approved the release of the Draft DRECP and EIR/EIS. For the Proposed LUPA and Final EIS, the USFWS participated in refinement of the alternatives based on public comment and new information.

In accordance with Section 7(a)(2) of the ESA, the BLM consulted with the USFWS on the Proposed LUPA. In July 2015, the BLM submitted a Biological Assessment and initiated formal consultation with the USFWS on BLM’s DRECP Proposed LUPA. On August 16, 2016, the USFWS issued its Biological Opinion that the DRECP Proposed LUPA is not likely to jeopardize the continued existence of the aforementioned species or result in the adverse destruction or modification of designated desert tortoise critical habitat. The Biological Opinion includes an incidental take statement for each species consulted on, exempting the BLM from the prohibitions of Section 9 of the ESA for incidental take.

4.4 NATIVE AMERICAN CONSULTATIONS

Native American Government-to-Government Consultation

The BLM consulted with federally recognized Indian tribes on a government-to-government basis in accordance with several authorities, including the NHPA, NEPA, FLPMA, American Indian Religious Freedom Act, and Executive Order 13175. Both the BLM and the Department of Interior conducted

numerous government-to-government meetings and technical sessions with Native American tribes. BLM also initiated the Tribal Federal Leadership Conferences to create a forum for the federally recognized tribes in the California desert area to engage with federal executives on the DRECP process. The conferences were used to identify issues, concerns, and interests and to share information regarding any and all resources in the

California desert area pertinent to renewable energy, natural and cultural resource conservation, and land use planning. These discussions included a review of all alternatives. All of the tribal concerns received were incorporated into planning for the DRECP area.

In addition to the conferences, other outreach included pre-meetings, numerous technical meetings, individual government-to-government meetings with the federally recognized Indian tribes, formal letters, emails, phone calls, and face-to-face meetings. In addition to formal outreach, significant outreach occurred at the staff level, which was critical to fostering a detailed dialogue regarding the BLM's proposal to amend the land use plans identified previously. The BLM's effort to engage in meaningful consultation with Indian tribes was continuous throughout all phases of development of the DRECP and will continue through implementation.

Section 106 Consultation

The BLM developed and executed a Programmatic Agreement (PA) in compliance with Section 106 of the NHPA to address potential effects associated with adopting a LUPA governing the possible siting of future utility-scale renewable energy projects on BLM-managed lands in Southern California. The PA was executed in 2016 by the BLM, California State Historic Preservation Officer (SHPO), and Advisory Council on Historic Preservation (ACHP), and was developed in consultation with the SHPO, the ACHP, 40 federally recognized Indian tribes within the planning area, and over 300 other invited consulting parties. Consulting parties included neighboring federal, state, and local agencies; tribal organizations; county and city government representatives; renewable energy industry groups; archaeological and historical societies; local museums; and other groups that may have an interest in historic preservation as it relates to the DRECP.

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A desert landscape featuring several Joshua trees in the foreground and middle ground. Large, rounded boulders are scattered throughout the scene, particularly on the right side. The sky is a clear, bright blue. The overall lighting suggests a sunny day, possibly during the golden hour.

PART FIVE: APPROVAL

This ROD, as follows, approves the DRECP LUPA to the CDCA Plan, the Bakersfield RMP, and the Bishop RMP.

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