

LIVESTOCK GRAZING

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SUMMARY OF CONCLUSIONS

U.S. Bureau of Land Management (BLM) and Energy Commission staff (hereafter jointly referred to as staff) have analyzed the potential impact of the proposed Ivanpah Solar Electric Generating System Ivanpah (ISEGS) project on cattle grazing and grazing administration at the proposed project site. The staff concludes that the proposed project would not have any significant impacts, as defined by the California Environmental Quality Act (CEQA), on the Clark Mountain Allotment, upon which the proposed project would be located. Because the public land at the proposed project location has been used as a grazing allotment, approval of the proposed project would require a modification of the grazing lease and reduction of total permitted Animal Unit Months (AUMs) and acreage based upon forage found on the project footprint. BLM estimates that the total number of AUMs associated with the 4,073 acre project would be 70 AUMs. There are currently 1,428 AUMs leased on the entire Clark Mountain Allotment. Approval of the proposed project would involve fencing of the entire project footprint, thus eliminating any potential use of the 70 AUMs on the project site for grazing during the lifespan of the proposed facility. With respect to National Environmental Policy Act (NEPA) guidelines for significance, these impacts would be adverse in the proposed project area, but would be limited to that area, and would not affect grazing resources in the remainder of the allotment, and thus would not be a significant adverse impact. Speed limits of 10 miles per hour (mph) on unpaved roads and 25 mph on stabilized roads imposed for fugitive dust control as would be required under **Air Quality Conditions of Certification AC-SC3 and AQ-SC7** are expected to be effective in also protecting grazing livestock from vehicle strike. Fencing of project construction areas and of permanent facilities used during operations would also be required as a component of the Construction and Operation Site Security Plans as would be specified under **Hazardous Materials Conditions of Certification HAZ-4 and HAZ-5** respectively. The speed limit and fencing mitigation measures that would apply during construction and operation on the project site would minimize hazards to cattle when they are grazing near this portion of the allotment and result in a less than significant impact.

Selection of the No Action Alternative would result in no required changes to the allotment or grazing management operations.

Cumulative impacts on this allotment, as well as the overall availability of land for grazing, may result from the combination of this proposed project with other proposed land uses that would require reduction of total permitted AUMs, including other solar energy projects and the proposed DesertXpress rail line. With respect to NEPA, the overall impact of the proposed projects in the area on the Clark Mountain Allotment may be considerable if the proposed Desert Xpress line is constructed and the rail line cuts off livestock access to portions of the allotment. However, the contribution of the proposed ISEGS project to that cumulative impact is relatively small.

Conditions of Certification referred to herein serve the purpose of both the Energy Commission's Conditions of Certification for purposes of CEQA and BLM's Mitigation Measures for purposes of NEPA.

INTRODUCTION

The purpose of the **Livestock Grazing** section of this Final Staff Assessment/Draft Environmental Impact Statement (FSA/DEIS) is to determine if the proposed ISEGS could potentially cause significant impacts to livestock grazing and grazing administration. Livestock grazing has been and continues to be a use of renewable resources on public land in the California Desert. The Taylor Grazing Act of 1934, Federal Land Policy and Management Act of 1976 (FLPMA) and the Public Rangelands Improvement Act of 1978 (P.L. 95-514) recognize livestock grazing as a principal use of public land for the production of food and fibers. This section evaluates whether the proposed project and alternatives would comply with applicable state and local laws, ordinances, regulations and standards (LORS) pertaining to land use for grazing purposes. It also evaluates the scope of the potential impacts with respect to CEQA and the definitions of significance provided in NEPA implementing regulations found in 40 CFR 1508.27.

LAWS, ORDINANCES, REGULATION, AND STANDARDS

The following federal, state, and local laws and policies apply to the administration of livestock grazing. Staff's analysis examines the project's compliance with these requirements.

LIVESTOCK GRAZING Table 1
Laws, Ordinances, Regulations, and Standards (LORS)

Potentially Applicable Law	Description
Federal	
Taylor Grazing Act of June 28, 1934	Congress passed the Taylor Grazing Act in 1934 to direct occupancy and use of public rangelands, to preserve natural resources from destruction or unnecessary injury, provide for the orderly use, improvement, and development of rangelands.
Federal Land Policy and Management Act (FLPMA)	Section 202 of FLPMA requires BLM to develop and maintain land use plans for public lands, which in turn identify lands that are available for the issuance of permits or leases for grazing.
Public Rangelands Improvement Act (PRIA)	Defines rangeland, establishes a national policy to improve the condition of rangelands, requires a national inventory of rangelands, and authorizes funding for range improvement projects.
43 CFR Section 4100	Regulations under which BLM administers its grazing program.
California Desert Conservation Area (CDCA) Plan	Defines Multiple-Use Classes for BLM-managed lands in the CDCA, which includes the land area encompassing the proposed project location.
Northern and Eastern Mojave Desert Management Plan (NEMO)	An amendment to the CDCA Management Plan, the NEMO Plan establishes standards and guidelines for grazing activities in the NEMO

SETTING

Under the CDCA Plan, 4.5 million acres (36 percent of public lands in the CDCA) in 54 grazing allotments are available for grazing, of which the Clark Mountain Allotment is one. The CDCA Plan prescribes the area and the sustainable amount of forage in animal unit months (AUMs) for each allotment. An AUM is a measure of forage that sustains one cow/calf pair for one month. Allotments with perennial forage have an established limit of forage based on the quality and quantity of perennial plants and are permitted in AUMs for a defined period of grazing use. Perennial forage use is typically authorized to be consumed at the same level from year to year unless forage production does not meet seasonal norms.

BLM Clark Mountain Allotment Grazing Lease

The ISEGS site is located within the existing BLM Clark Mountain Allotment Grazing Lease, which is a perennial/ephemeral allotment (Allotment #09003). The allotment contains 97,560-acres of public lands. The approximate 4,073-acre ISEGS site boundary is approximately 4 percent of the area of the allotment.

Pursuant to 43 CFR 4100, Section 4110.4-2 (b) when grazed public lands within allotments, or smaller portions, are disposed of or devoted to a public purpose other than livestock grazing, adjustments to the grazing lease's active use AUMs are made to reflect the loss of available livestock forage from that area. The lessee shall be given two years prior notification before their grazing lease is modified and this time is to remove any range improvements that may be within the project footprint and for the livestock producer to make livestock management adjustments. Should the proposed project be approved, BLM would issue a decision to modify allotment boundaries and reduce the grazing permitted use as part of the ISEGS Record of Decision.

ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION

METHOD AND THRESHOLD FOR DETERMINING SIGNIFICANCE

Because the solar project would be located on federal land, California state regulations which protect and manage farmlands, including livestock grazing, are not applicable to the proposed project area. The impact of the proposed project and alternatives on livestock grazing would be considered significant under CEQA if the result of the ISEGS' displacement of grazing cattle were to cause a significant impact on the environment or to livestock.

Under NEPA, the impact of the proposed project and alternatives on the Clark Mountain Allotment would be considered significant if they would involve changes in the existing environment which, due to their nature or location, could result in a significant reduction in foraging opportunities to plant communities on the ISEGS site or to the safety of livestock.

DIRECT/INDIRECT IMPACTS AND MITIGATION

Proposed Project

The ISEGS project area comprising Ivanpah 1, 2 and 3, located entirely within the Clark Mountain Allotment, would be completely fenced to exclude livestock. Livestock would no longer have access to graze the forage from plant communities associated with the site. Approval of the project would require a modification of the grazing lease, by reducing the total active AUMs as calculated from past range adjudication methods.

With respect to NEPA significance criteria, the vegetation communities within the 3,712 acre project site produce small amounts of livestock forage relative to more productive plant communities found on higher elevation areas elsewhere within the allotment. These higher elevations produce the majority of the forage. Below 3,500 feet in elevation, forage production is better described as ephemeral rangeland. Ephemeral rangelands means the Hot Desert Biome regions that do not consistently produce enough forage to sustain a livestock operation but may briefly produce unusual volumes of forage to accommodate livestock grazing.

This proposed project would cause a 70 AUM reduction to grazing preference on the Clark Mountain Allotment that has been grazed for many years and is expected to continue at the reduced level..

When livestock are present on the allotment, it is anticipated that they will not visit areas immediately around the project site for two reasons related to the availability of water: 1) there are no water sources in the immediate vicinity of the project; and 2) there are other locations within the allotment that offer more desirable forage and water to support livestock grazing.

This proposed project would result in minor impacts to the livestock operator, his livestock, and the quality of the remainder of the allotment as wildlife habitat, recreational use, or other multiple uses. The geographic scope of the impact would include three power plants comprising a relative small amount (4%) of the Clark Mountain Allotment. The impact would not affect public health or safety, and would not impact land with unique characteristics.

Mitigation

Staff believes that this project would pose no significant risk to grazing livestock if recommended mitigation measures are implemented. Speed limits of 10 miles per hour (mph) on unpaved roads and 25 mph on stabilized roads imposed for fugitive dust control as would be required under **Air Quality Conditions of Certification AC-SC3 and AQ-SC7** are expected to be effective in also protecting grazing livestock from vehicle strike. Fencing of project construction areas and of permanent facilities used during operations would also be required as a component of the Construction and Operation Site Security Plans as would be specified under **Hazardous Materials Conditions of Certification HAZ-4 and HAZ-5** respectively. The speed limit and fencing mitigation measures that would apply during construction and operation on the project site would minimize hazards to cattle when they roam the allotment in search of forage, and thus the project would result in a less than significant impact. With respect

to CEQA, there would not be a significant adverse impact because discontinuing livestock grazing at the ISEGS site would not result in damage to the desert environment or to livestock.

Project Closure and Decommissioning

Upon project closure and decommissioning, the land that comprises the project footprint would be rehabilitated to reestablish plant communities originally occurring on the site before the original grant was issued. Following the achievement of the objectives for rehabilitation, as outlined in the rehabilitation plan, the ROW grant would then be cancelled adding 3,712 acres of reclaimed land back to the land base of Clark Mountain Allotment. Any AUMs suspended during the life of this project would be removed from suspension, increasing total Active Use AUMs of the current grazing lease for the allotment.

Should relinquishment of the grazing lease for Clark Mountain Allotment and reallocation of forage to wildlife purposes occur in accordance with NEMO, then the land would be managed in the same way as the surrounding non-withdrawn areas.

No Project/No Action Alternative

The No Action alternative would leave the land area under existing management, and therefore available for grazing use. Livestock grazing would continue to be managed and authorized under the appropriate management plans, regulations, and other policies.

CUMULATIVE IMPACTS AND MITIGATION

In addition to the proposed Ivanpah SEGS facility, there are other reasonably foreseeable future actions that could contribute to impacts to the Clark Mountain Allotment. Regionally, impacts to livestock grazing in the planning area have been occurring for 100 years or more. Authorized and unauthorized vehicle use and maintenance and construction of utility rights of way can have an impact to livestock grazing by removal of vegetation utilized for forage, and there is always a danger of vehicle collisions with cattle. The impact of the proposed and probable development projects (mineral production, solar projects, rail lines, and airports) may be more substantial if they require significant reductions in the acreage of existing allotments.

Examples of recent and future development and land use changes in the Ivanpah area that may impact the allotment include:

- Other solar projects, including the proposed FirstSolar facility that would also be located within the Clark Mountain Allotment;
- The proposed Port-of-Entry to be constructed by the California Department of Transportation (CalTrans) near the Yates Well exit on Interstate 15; and
- Various proposed high-speed rail lines connecting Las Vegas to the Los Angeles area, including the Desert Xpress rail line, and proposed Maglev projects.

The proposed ISEGS project, by itself, would reduce the area of the Clark Mountain Allotment by approximately 4% and would reduce the AUMs permitted on the allotment

by 4.7%. This impact would occur on the lower elevations of the allotment, an area which provides lower quality forage than the higher elevation areas. Although the exact size and footprint of the proposed FirstSolar facility has not been finalized, it is likely to be of the same or smaller size than ISEGS, and is also located on the lower slopes of the alluvial fan. The Port-of-Entry would comprise an area of less than 150 acres, and also would occur on the lower elevations. Therefore, the combination of these three items would constitute a reduction of approximately 8% of the lower quality portion of the allotment.

The future route of the proposed high-speed rail lines, especially the proposed Desert Xpress, is not known to the extent necessary to evaluate its contribution to the cumulative impact on the Clark Mountain Allotment. One proposed alignment of the Desert Xpress would be located to the north and west of ISEGS and the proposed FirstSolar project. Because the route would need to be fenced to keep cattle away from the rail system, the proposed rail line would remove a much greater percentage of the land area available within the Clark Mountain Allotment. In addition, this proposed alignment would be located at a higher elevation on the alluvial fan, so the eliminated acreage would be of higher quality than that affected by ISEGS.

Overall, the impact on the grazing allotment is not significant with respect to CEQA because the discontinuance of livestock grazing at the ISEGS site would not contribute to cumulatively considerable damage to the desert environment or to livestock. With respect to NEPA, the overall impact of the proposed projects in the area may be considerable if the proposed Desert Xpress line is constructed. However, the contribution of the proposed ISEGS project to that cumulative impact is relatively small.

COMPLIANCE WITH LORS

In general, the Federal LORS related to grazing have to do with the classification of land suitability for grazing, establishment of administrative requirements for the leasing of grazing on public lands, and standards to be followed by lessees in order to protect the environment. Although the land of the proposed project is currently part of an allotment, administrative means for modifying the acreage within an allotment are available. Therefore, approval of the proposed project would comply with the applicable federal regulations and laws.

The state LORS associated with the California Department of Conservation and the Williamson Act are not applicable to the proposed project, because federal lands are not subject to state classification or contract. Therefore, approval of the proposed project would comply with applicable state regulations and laws.

NOTEWORTHY PUBLIC BENEFITS

Approval of this proposed project would not have any impacts on grazing which could be considered to provide a public benefit. The proposed project would not increase the availability or quality of grazing lands in other locations, nor would it mitigate environmental impacts to grazing lands in other areas.

PUBLIC AND AGENCY COMMENTS ON THE PSA

Livestock Grazing was not included as a section within the PSA.

CONCLUSIONS

The issue of cattle grazing and grazing administration is directly applicable to the proposed project because the public lands associated with the proposed project are within an active grazing allotment. Because the proposed project would involve removal of vegetation and fencing off of the entire property, approval of the proposed project would require modifying the allotment boundaries, resulting in a minor reduction in allotment size of 4%. Administratively, this modification can be accomplished through BLM administrative procedures. In addition, increased traffic associated with construction and operation of the proposed project could potentially but are not expected to cause injury of death to individual cattle through vehicle strikes because the livestock may well avoid the area in its entirety because of the human activities that would occur on the site which livestock would avoid. Under NEPA, the impact would be modification of the allotment boundaries, resulting in a minor 4% reduction in allotment acreage which is not considered a significant adverse impact to foraging opportunities or to the safety of livestock. With respect to CEQA, there would not be a significant adverse impact because discontinuing livestock grazing at the ISEGS site would not result in damage to the desert environment or affect the safety of livestock.

The No Action Alternative would not have any impact on the characteristics or administration of the allotment.

With respect to NEPA, the cumulative impact of the proposed project, in combination with other proposed projects (FirstSolar, DesertXpress, and the Port-of-Entry) in the area may be considerable if the proposed Desert Xpress line is constructed to eliminate livestock access to portions of the allotment. However, the contribution of the proposed ISEGS project to the overall cumulative impact is relatively minor and is not considered a significant cumulative impact.

MITIGATION MEASURES/PROPOSED CONDITIONS OF CERTIFICATION

No additional Conditions of Certification are necessary to address protection of grazing cattle as those determined necessary by staff are already included in other sections of the FSA/DEIS as summarized in this **Livestock Grazing** section under **Mitigation**.

REFERENCES

BSE2007a – Bright Source Energy/ Solar Partners I, LLC/ J. Woolard (tn: 42174). Application for Certification, Volumes I and II, for the Ivanpah Solar Electric Generating System. Submitted to CEC/Docket Unit on 8/31/2007.