



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Southern Nevada District Office
Pahrump Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
<http://www.blm.gov/nevada>

In Reply Refer To:
NVN-089655

Memorandum

To: Angelita S. Bulletts, District Manager

From: Nicholas B. Pay
Field Manager, Pahrump Field Office

Subject: Application Evaluation Complete: BLM Continuing Processing of Application and Initiation of the National Environmental Policy Act (NEPA) Process for the Copper Rays Solar Project Application

The BLM Southern Nevada District Office has conducted an evaluation of the application for the proposed Copper Rays Solar Project (Project) in accordance with the requirements of 43 CFR 2804.25 (e)(2)(iii). After careful consideration of the evaluation that was conducted, the BLM will continue processing the application and proceed with initiation of the NEPA Process.

Background

On September 9, 2010, Copper Rays Solar, LLC submitted a right-of-way application to the BLM Pahrump Field Office (PFO) for the Project (amended application on October 27, 2020). The Project includes the construction, operation, and eventual decommissioning of a 700 MW alternating current solar photovoltaic power generating facility with battery storage facility on approximately 5,127 acres of BLM-managed public land located in Nye County, Nevada, southeast of the Town of Pahrump. The electricity generated would be collected at the onsite substation and conveyed to the existing Gamebird Substation located north of the project site via a generation gen-tie transmission line. Copper Rays Solar, LLC anticipates an average estimated workforce for the Project to be up to approximately 500-700 workers over the 72-month construction timeframe and a staff of approximately 10 full-time workers during operations for 30 years.

Regulations require the BLM to evaluate the Project according to provisions found in 43 CFR §2804.25(e)(2)(iii) and, based on these evaluations, either deny the application or continue processing. The BLM evaluates the appropriateness of right-of-way applications for utility-scale solar energy development on a case-by-case basis as described in the Solar PEIS. The Project was considered a "pending" application under the Final Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (Solar PEIS) as it was submitted prior to publication of the Supplement to the Draft Solar PEIS. Because of this, the application is not subject to any decisions adopted by the Solar PEIS Record of Decision, including the variance process.

INTERIOR REGION 10 • CALIFORNIA-GREAT BASIN

CALIFORNIA*, NEVADA*, OREGON*

* PARTIAL

In accordance with 43 CFR §2804.25(e) and BLM Southern Nevada District Office IM NV-SNDO-2020-001, the BLM PFO applied screening criteria and determined that the application was a high priority for processing on August 25, 2020. In February of 2021, the BLM notified Copper Rays Solar, LLC that processing work was beginning on the application. As part of the application evaluation process, the BLM PFO held preliminary meetings with the Project applicant to identify potential land use and siting constraints, environmental issues, sensitive resources, potential alternative site locations, and information on the variance process.

Subsequently, in accordance with 43 CFR §2804.25(f)(1) the lands within the Project boundary were segregated, subject to valid existing rights, on October 21, 2021, for a term of two years with publication of the Notice of Segregation in the Federal Register.

Evaluation

Regulations include evaluation provisions that must be considered by the BLM when making the determination to either deny the application or continue processing. The provisions and related discussion specific to the application are included below.

Information provided by the applicant

Copper Rays Solar, LLC has provided information on the project to the BLM, including the right-of-way application, the preliminary Plan of Development, and initial baseline resource survey information.

Input from other parties, such as Federal, State, and local government agencies, and tribes

The BLM Southern Nevada District conducted an Agency meeting with Federal, State, local, and Tribal governments for the Pahrump Valley solar projects, including the Project, on December 2, 2021, and provided an agency input period until December 17, 2021. This early Agency coordination yielded concerns related to water resource impacts, desert tortoise habitat/connectivity, potential effects to wildlife and vegetation species, climate change, air quality impacts, and recreation use. Agency input and comments are included in the input summary report (transmitted with this Memorandum).

Engagement with Tribal governments included the BLM sending letters to the Moapa Band of Paiutes, Las Vegas Paiute Tribe, Timbisha Shoshone, Chemehuevi Indian Tribe, Twenty-Nine Palms Band of Mission Indians, Fort Mojave Indian Tribe, and Colorado River Indian Tribes on March 31, 2021, to assess initial interest on the Project and invite the tribes to initiate formal government-to-government consultation. The Project was presented at government-to-government consultation meetings and field visits were conducted for the project area. The BLM emailed the Tribes on November 30, 2021, to invite them to attend an interagency meeting on December 2, 2021 as an opportunity to learn more information about the proposed solar projects. Tribal Consultation for the Project is ongoing and more details on can be found in the Input Summary Report. To-date the Tribes consulted with have not expressed any major concerns with the project.

Comments received in preliminary application review meetings

The BLM PFO reviewed the submitted right-of-way application for the Project utilizing the Southern Nevada District Office renewable energy project prioritization process. During the prioritization process, the BLM reviewed the project application related to regulatory compliance criteria from 43 CFR 2804.35, local considerations, and resource considerations. The results of the prioritization evaluation were transmitted to Copper Rays Solar, LLC through the Prioritization Determination

letter and worksheet, which included BLM comments and documentation for those potential resource conflicts from the proposed Project. The Project prioritization letter and worksheet are transmitted with this memorandum.

Comments received in public meeting

As required under the application evaluation process, the BLM PFO has conducted public meetings as part of our ongoing outreach. Engagement and early coordination with the public was conducted through virtual public information forums. Virtual Public Information Forums for the Project were held December 15 and 16, 2021 (with 36 attendees and 23 attendees, respectively) and the public input period for the project was from November 15 to January 7, 2022. Comments and input received during the public information forums and input period are compiled and summarized in a report, which is transmitted with this memorandum. From public comments and input received, there was a generalized tone of opposition to solar projects within the Pahrump Valley area. In summary, the public expressed concern for wildlife and vegetation resources within the project area, potential impacts to soil and biological crusts, potential impacts to recreation opportunities and use, proximity to Pahrump, impacts to health from dust/air quality changes, socioeconomic effects, water resources and use, and climate change.

Whether the application proposes to site the development appropriately (e.g. outside of designated leasing area or exclusion area)

The Project is sited outside of any Designated Leasing Areas or Solar Energy Zones. The Project is not located on lands excluded from solar energy development. The Project is collocated with other proposed and authorized solar energy development projects in the Pahrump Valley area. The BLM will assess the appropriate size/configuration of Project through alternatives development in the NEPA process, with careful consideration given to current research and industry practices related to efficient land use (acres/megawatt).

Whether the application addresses known resource values

Some of the key resource concerns identified through the prioritization process, and public, Agency, and Tribal input included: project area proximity to Pahrump, project area managed as Visual Resource Management Class III, concerns for groundwater resources (Groundwater Basin 162) and overallocation of water use permits in the basin, recreation use of the area (primarily motorized recreation), impacts to public health from dust/air quality changes, development inconsistent with designated utility corridors that are overlapped by the Project, and concerns relating to botanical and wildlife present within the project area.

It is important to note that those known resources examined at this stage of the right-of-way application process do not necessarily reflect all known resources for the Project. Additional resources may be identified or examined during the NEPA process.

Through the application evaluation determination, the BLM determined an amendment to the Las Vegas Resource Management Plan would be needed due to the Project's overlap with a West Wide Energy Corridor and designated utility corridors. As the project proceeds through the NEPA process, consideration of a land use plan amendment would be incorporated. Additionally, the BLM is continuing to coordinate with the National Park Service related to potential impacts from the Project to Death Valley National Park.

Determination

The BLM PFO has completed the application evaluation for the Copper Rays Solar Project application in accordance with 43 CFR §2804.25(e)(2)(iii). Stakeholder engagement efforts by the BLM identified that the Project has the potential for some resource conflicts and citizens of the Pahrump Valley generally oppose solar development in the area. However, the Project did not raise any issues that would counteract the orderly administration of public lands or conflict with any competing priority of national interest. Therefore, after careful consideration of the evaluation that was conducted, the BLM will continue processing the application and proceed with initiation of the NEPA Process. Proceeding with processing of the Project does not render project approval or otherwise entitle the applicant in any way, nor does it create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.



Nicholas B. Pay
Field Manager
Pahrump Field Office

3/3/2022

Date

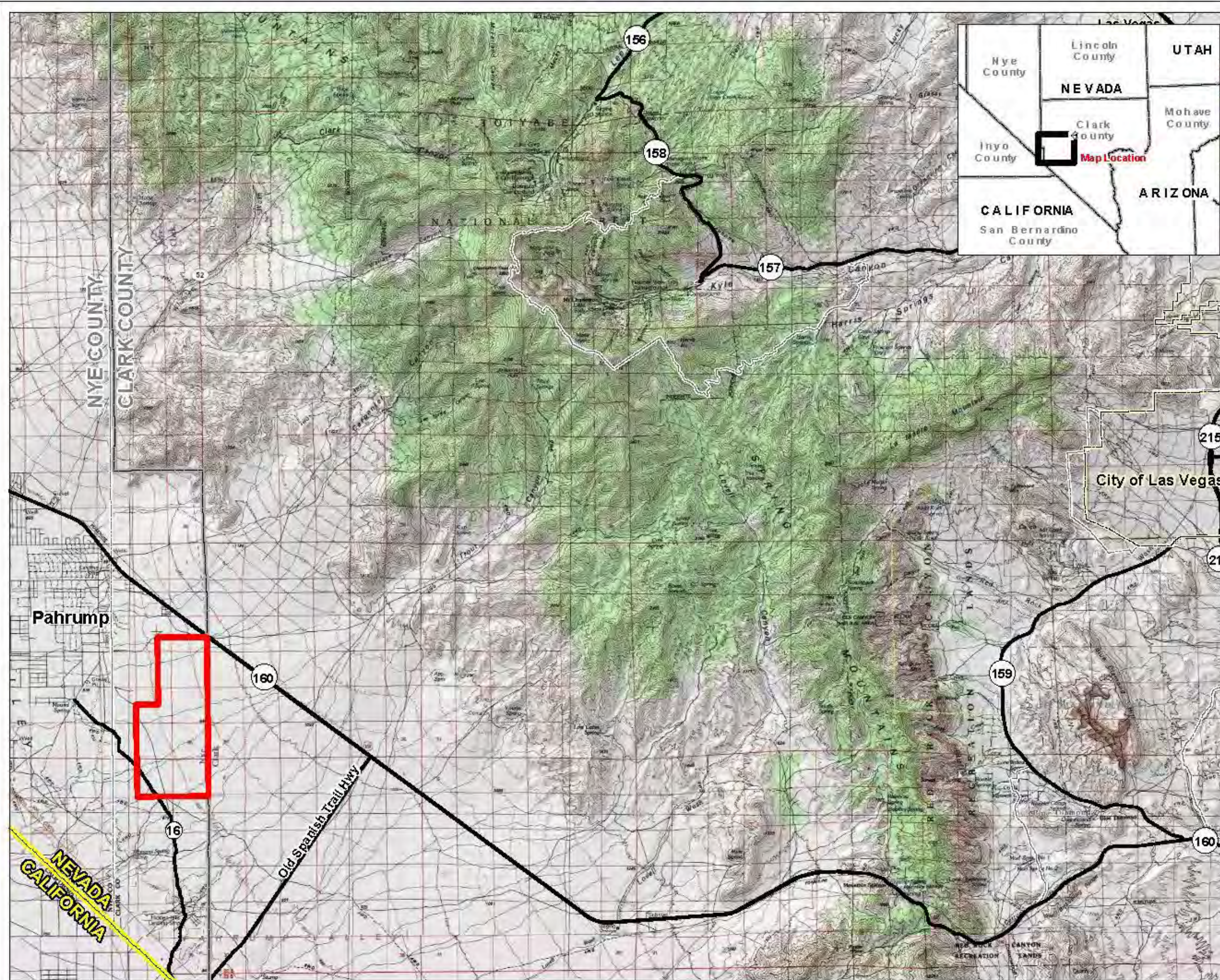
Concurrence / Non-Concurrence



Angelita S. Bulletts
District Manager
Southern Nevada District

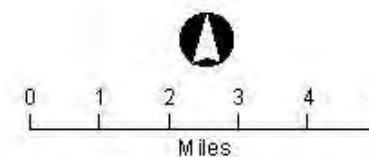
3/4/2022

Date



Legend

-  State Highway
-  Copper Rays Project Site
-  State Boundary
-  County Boundary
-  Incorporated City Boundary



State Plane Coordinate System
 NAD 83, Nevada Central
 Feet

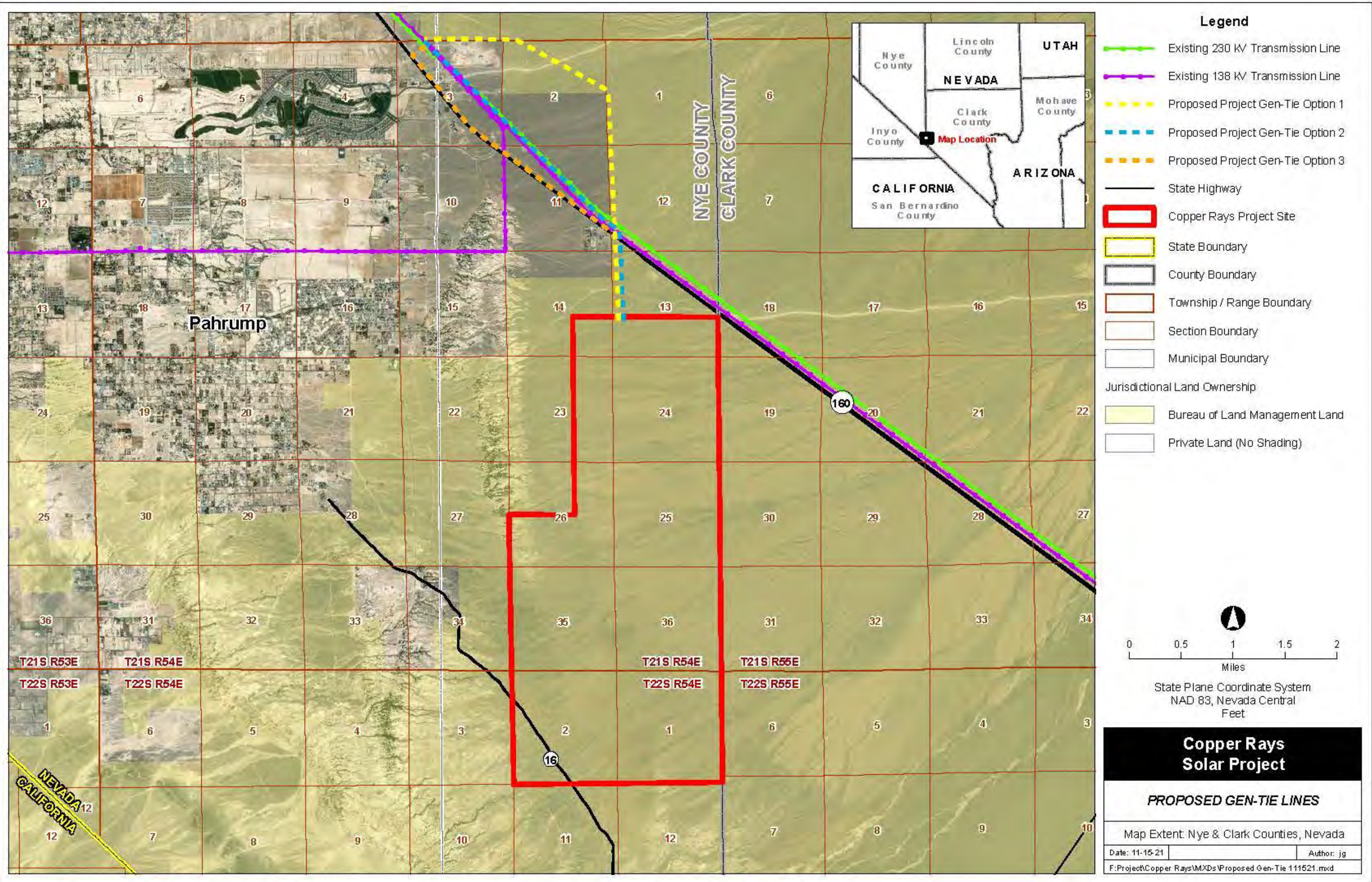
**Copper Rays
 Solar Project**

REGIONAL LOCATION

Map Extent: Nye & Clark Counties, Nevada

Date: 11-15-21 Author: jg

F:\Project\Copper Rays\MXD's\Regional Location 111521.mxd



State Plane Coordinate System
 NAD 83, Nevada Central
 Feet

T21 S R53E T21 S R54E T21 S R54E T21 S R55E
 T22 S R53E T22 S R54E T22 S R54E T22 S R55E

NEVADA
 CALIFORNIA

Pahrump

NYE COUNTY
 CLARK COUNTY

160

16

Map Extent: Nye & Clark Counties, Nevada

Date: 11-15-21 Author: jg

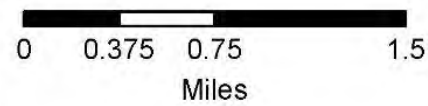
F:\Project\Copper Rays\MXDs\Proposed Gen-Tie 111521.mxd

BLM Southern Nevada District Office

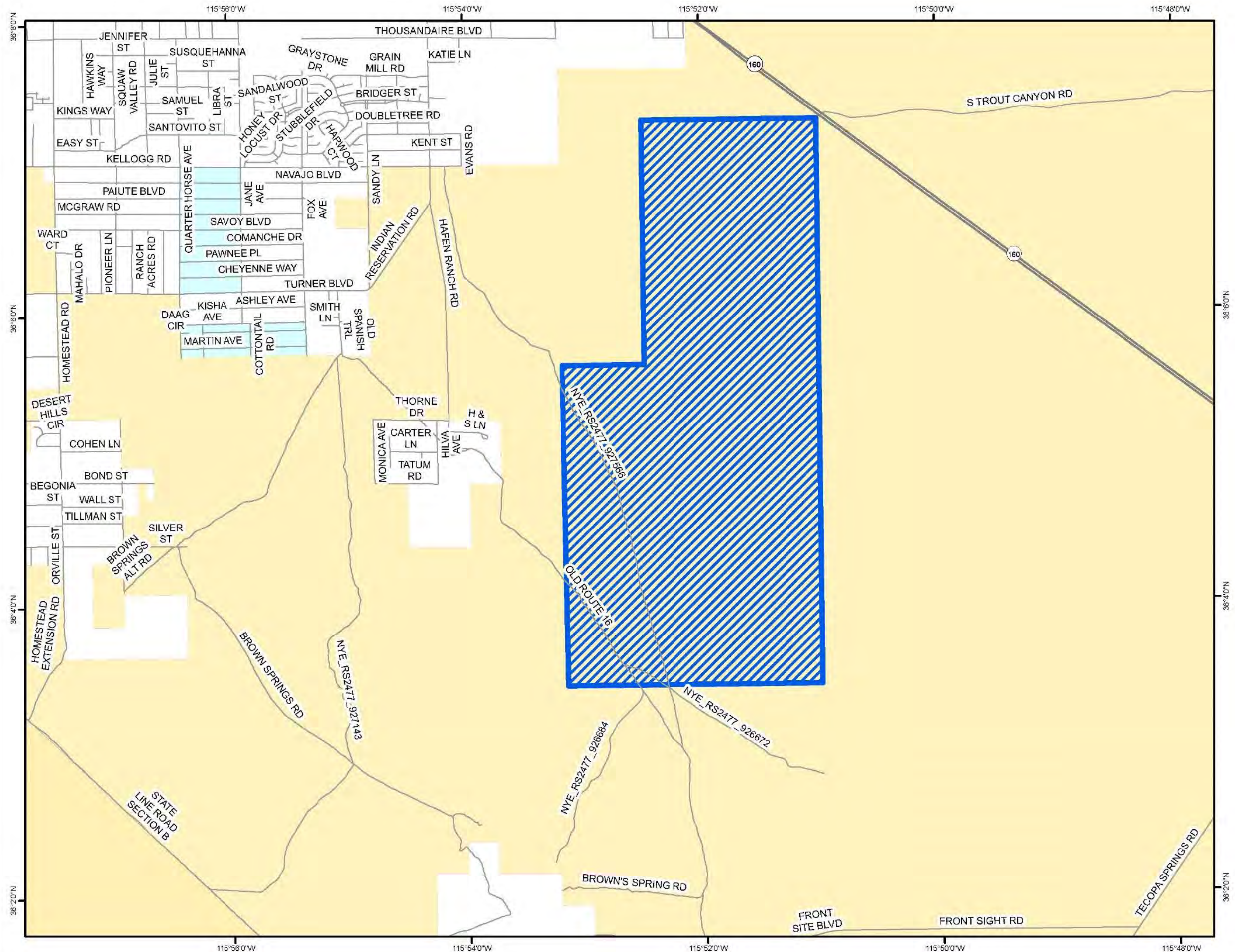
Copper Rays Solar Project and Local Roads

Legend

-  Copper Rays (proposed)
-  US Highways
-  State Highways
-  Bureau of Indian Affairs
-  Bureau of Land Management
-  Bureau of Reclamation
-  Department of Defense
-  Department of Energy
-  Fish and Wildlife Service
-  Forest Service
-  National Park Service
-  Nevada State
-  Local Government
-  Private



N
 Lat Long Grid - UTM Zone 11, NAD 1983
 Degrees Minutes Seconds
 Prepared By: SNDO E&I Staff on 12/1/2021
 No warranty is made by the BLM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

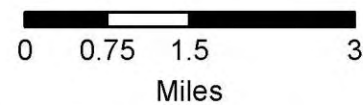


BLM Southern Nevada District Office

Copper Rays,
Rough Hat Clark County,
Rough Hat Nye County,
and Yellow Pine
Solar Projects

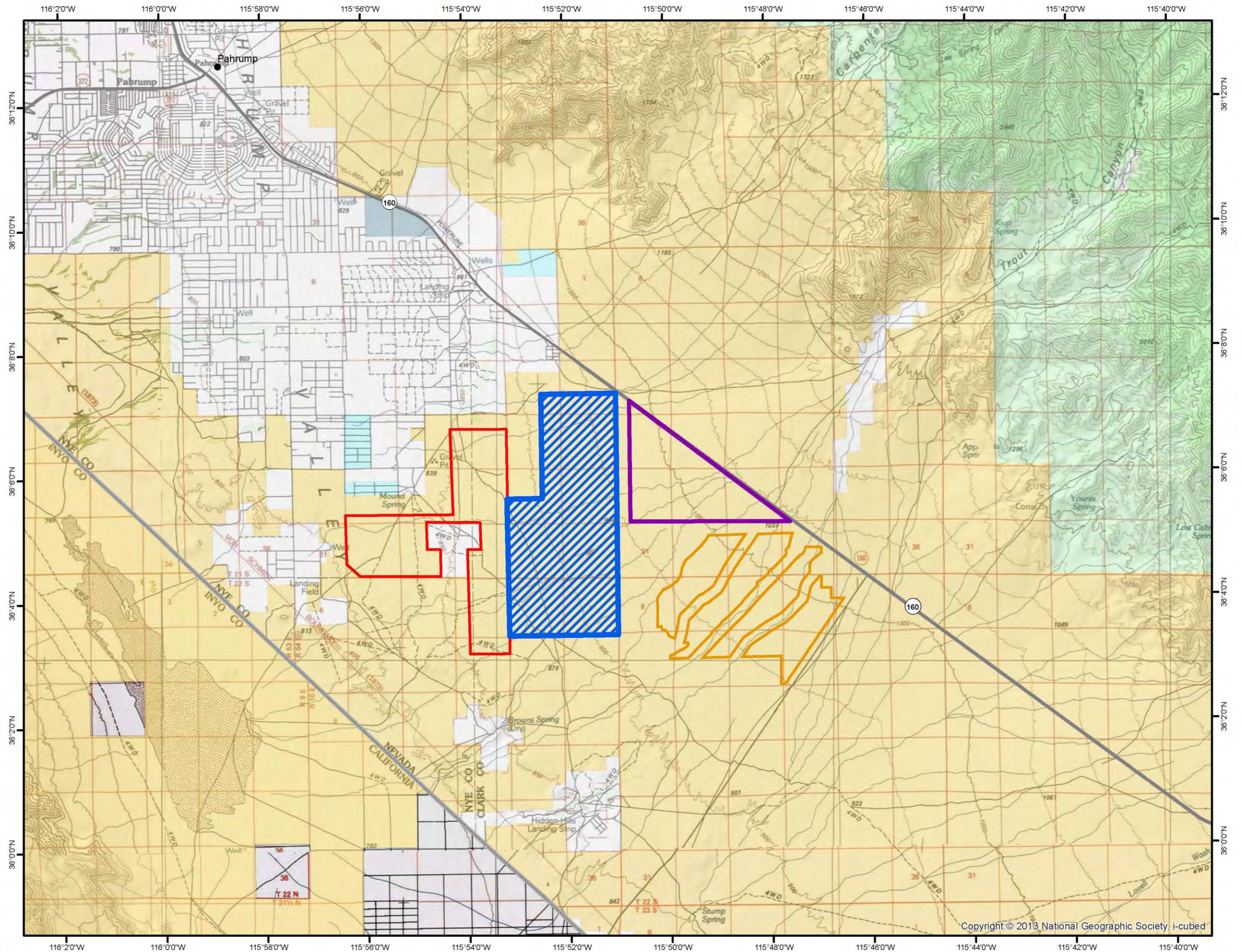
Legend

- Cities & Towns
-  Copper Rays (proposed)
-  Yellow Pine (approved)
-  Rough Hat - Nye (proposed)
-  Rough Hat - Clark (proposed)
- US Highways
- State Highways
-  Bureau of Indian Affairs
-  Bureau of Land Management
-  Bureau of Reclamation
-  Department of Defense
-  Department of Energy
-  Fish and Wildlife Service
-  Forest Service
-  National Park Service
-  Nevada State
-  Local Government
-  Private



N
Lat Long Grid - UTM Zone 11, NAD 1983
Degrees Minutes Seconds
Prepared By: SNDO E&I Staff on 12/1/2021

No warranty is made by the BLM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.





United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Southern Nevada District Office
Pahrump Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
<https://www.blm.gov/nevada>

In Reply Refer To:
NVN-089655
2800 (NVS0300)

AUG 25 2020

CERTIFIED MAIL

7020 0090 0001 0953 2156

DECISION

Copper Rays Solar, LLC :
135 Main Street Floor 6 : Right-of-Way
San Francisco, CA 94105-8113 :
:

Priority Determination

On September 9, 2010, the Bureau of Land Management (BLM) received an application for the Copper Rays solar power project on public lands. The application was originally filed by Element Power, but was later acquired by Copper Rays Solar, LLC, a subsidiary of First Solar, LLC. The application has been assigned the case number NVN-099407. Please refer to this number for all future correspondence relating to this case.

The BLM has reviewed and prioritized your application in accordance with the screening criteria in 43 CFR § 2804.35 and has determined your application to be a High priority. The rationale for the priority determination of your application is provided for in the enclosed Priority Determination Worksheet. The BLM may re-categorize your application based on new information received through surveys, public meetings, or other data collection, or after any changes to the application.

The BLM may require you to submit additional information necessary to process the application. This information may include a detailed construction, operation, rehabilitation, and environmental protection plan (i.e., a Plan of Development), and any needed cultural resource surveys or inventories for threatened or endangered species. If the BLM needs more information, the BLM will identify this information in a written deficiency notice asking you to provide the additional information within a specified period of time. For solar energy development projects, you must commence any required resource surveys or inventories within one year of the request date, unless otherwise specified by the BLM.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Nicholas B. Pay
Field Manager
Pahrump Field Office

Enclosure

SNDO Renewable Energy Project Priority Determination Worksheet

Project Name: Copper Rays
BLM Serial Number: N-89655

Date: 8/19/2020

Purpose: The purpose of this worksheet is to identify landscape level constraints for Solar and Wind project proposals in the Bureau of Land Management (BLM) Southern Nevada District Office (SNDO) and to prioritize the solar or wind proposal based on known resource conflicts.

This worksheet is divided into four sections. These sections evaluate each proposed solar or wind project submitted to the Southern Nevada District Office (SNDO). The sections in this worksheet are as follows:

- Section 1 identifies the prioritization of projects based on regulations (43 CFR §2804.35).
- Section 2 are local (SNDO) considerations.
- Section 3 identifies specific resources issues.
- Section 4 identifies the priority decision.

Section 1 – Regulation Compliance

The regulatory compliance criteria below come from 43 CFR §2804.35. When completing the following form, if something is marked present or further clarification is needed please note it in the table at the end of Section 2 or if resource specific within Section 3 notes.

Low-Priority Criteria ¹		Present	Not Present
1)	Lands near or adjacent to lands designated by Congress, the President, or the Secretary for the protection of sensitive viewsheds, resources, and values (e.g., units of the National Park System, Fish and Wildlife Service Refuge System, some National Forest System units, and the BLM National Landscape Conservation System), which may be adversely affected by development.	X	
2)	Lands near or adjacent to Wild, Scenic, and Recreational Rivers and river segments determined suitable for Wild or Scenic River status, if project development may have significant adverse effects on sensitive viewsheds, resources, and values.		X
3)	Designated critical habitat for federally threatened or endangered species, if project development may result in the destruction or adverse modification of that critical habitat.		X
4)	Lands currently designated as Visual Resource Management Class I or Class II.		X
5)	Right-of-way exclusion areas.		X

¹ Lands currently designated as no surface occupancy for oil and gas development in BLM land use plans was removed from the low-priority criteria. This removal is due to the vagueness in the Las Vegas 1998 RMP.

Medium-Priority Criteria:		Present	Not Present
6)	BLM special management areas that provide for limited development, including recreation sites and facilities.		X
7)	Areas where a project may adversely affect conservation lands, including lands with wilderness characteristics that have been identified in an updated wilderness characteristics inventory.		X
8)	Right-of-way avoidance areas.	X	
9)	Areas where project development may adversely affect resources and properties listed nationally such as the National Register of Historic Places, National Natural Landmarks, or National Historic Landmarks.		X
10)	Sensitive habitat areas, including important species use areas, riparian areas, or areas of importance for Federal or State sensitive species.	X	
11)	Lands currently designated as Visual Resource Management Class III.	X	
12)	Department of Defense operating areas with land use or operational mission conflicts.		X
13)	Projects with proposed groundwater uses within groundwater basins that have been allocated by State water resource agencies.	X	

High-Priority Criteria:		Present	Not Present
14)	Lands specifically identified as appropriate for solar or wind energy development, other than designated leasing areas.		X
15)	Previously disturbed sites or areas adjacent to previously disturbed or developed sites.		X
16)	Lands currently designated as Visual Resource Management Class IV.	X	
17)	Lands identified as suitable for disposal in BLM land use plans.		X

Section 2 – Local Considerations

The following considerations are specific to the Southern Nevada District. The selection of “present” for any of the local considerations can change the project priority. These local considerations take into account, but are not limited to, the following secretarial orders, policy, regulation, and laws, and BLM priorities.

- 43 CFR §2804.35
- Approved Resource Management Plan Amendments/Record of Decision for Solar Energy Development in Six Southwestern Statesⁱ
- 1998 Las Vegas Resource Management Planⁱⁱ
- Department of the Interior Prioritiesⁱⁱⁱ
- Bureau of Land Management Leadership Priorities^{iv}
- United States Fish and Wildlife Species List^v
- Nevada State Species List^{vi}
- BLM Sensitive Species List^{vii}

Local Considerations		Present	Not Present
18)	Development is located in the Southern Nevada Public Land Management Area (SNPLMA) Boundary		X
19)	Development is located near the proposed Southern Nevada Supplemental Airport		X
20)	There is a Solar Energy Zone or Designated Leasing Area within the district that could be used.	X	
21)	Development is located in areas where project development may adversely affect lands acquired for conservation (e.g., SNPLMA Environmentally Sensitive Land Acquisitions such as the Perkins Ranch acquisition near the Moapa, Nevada).		X
22)	The proposed project supports economies of local Tribes		X
23)	The proposed project supports the economy of Nye County	X	
24)	Development is located within an area identified for disposal		X
25)	Development is located within a utility corridor	X	
26)	Development is located within lands withdrawn from ROW authorizations		X
27)	Development is located within lands segregated from ROW authorizations.		X

Local Considerations		Present	Not Present
28)	Development is located over another Solar or Wind Application		X
29)	Development may not be compatible with an existing grant, easement, lease, license, or permit.		X
30)	Development is located outside of BLM jurisdiction		X
31)	Development is located on private lands		X
32)	Development is located in a USFWS least cost desert tortoise corridor.		X
33)	Development is located in or adjacent to desert tortoise translocation areas		X
34)	Development is located over existing or active mining claims or community pit		X
35)	Development is located over or within 1000 meters of natural surface water, springs, riparian areas or wetlands	X	
36)	Development is located within a hydrogeographic basin where groundwater withdrawal could potentially impact groundwater dependent natural resources.	X	
37)	Development is located over lands containing sensitive soil resources.	X	

When completing Sections 1 and 2, if something is marked present or further clarification is needed, please include here. Please place the number in the first column that corresponds to the number in Sections 1 and 2. If the presence or clarification is resource specific, provide the justification or clarification in Section 3.

Clarifications/Justifications	
1	The centerline of the Old Spanish National Historic Trail (Designated December 2002) is located within five miles of the proposed project area. The trail corridor is informally considered by the NPS to lie five miles on either side of the centerline of the trail alignment to include the nearest elements of the viewshed, parts of the cultural landscapes, landmarks, and traditional cultural properties near the trail. (<i>Old Spanish National Historic Trail Comprehensive Administrative Strategy, 2017</i>). Given the distance, topography of the area, and the impact analysis completed for the Yellow Pine Solar Project, this proposed project is unlikely to affect any portion of the Old Spanish National Historic Trail. Analysis will need to occur to ensure that any potential impacts are captured and analyzed in accordance with BLM Policy.
8	This project is located within Solar Avoidance/Variance areas. This area is not avoidance for any other type of ROW.
10	The proposed project area is within sensitive habitats for Desert Tortoise and potentially for Pahrump Valley buckwheat (<i>Eriogonum bifurcatum</i>). See Desert Tortoise and Botany sections below for more information. The project also overlaps mesquite bosques, which are extremely important for migratory bird species, resident bird species, and are a dwindling resource in the Pahrump area already due to groundwater withdrawals. The project's proximity to a large stand of mesquite bosques would need to be analyzed as it may result in an increase threat to migratory bird species.
11	Approximately 25% of the proposed project is located within lands managed as VRM Class III. Prior to NOI, a Visual Contrast Rating Analysis will need to be done to determine whether an RMP amendment is necessary. A RMP amendment for the visual resource class is not anticipated to be complex or controversial.
13	The Pahrump Valley Basin (Basin 162) is a NDWR designated basin. The perennial yield is 20,000 afa. Currently, there are water rights for over 60,000 afa. Until additional information is gathered on proposed ground water pumping, this information is not influencing the priority level. If the proponent decides to include ground water pumping in the plan of development, coordination with the State Water Engineer will be required.
15	This project is located adjacent to the Yellow Pine Solar Project which is currently being analyzed in an Environmental Impact Statement (EIS). If this project is approved, then the Copper Rays project would meet this high priority criteria. The Draft EIS has disclosed that the Yellow Pine Solar Project has relatively low resource conflicts and most issues have been resolved through Best Management Practices and Mitigation Measures. It is anticipated that any conflicts with this project would be similarly resolved.
16	Approximately 75% of the proposed project is located within lands managed as VRM Class IV.
20	The Amargosa SEZ and the Dry Lake East DLA are both available for Solar Energy Development. While there is space in both an SEZ and a DLA in the Southern Nevada District, neither of those located are sufficiently sized to accommodate all of the interest that is present in the district for Renewable Energy.
23	This project is located within Nye County and would provide economic benefits to that county.
25	The eastern portion of the proposed project is located within a WEC energy corridor and the Amargosa – Roach corridor designated in the 1998 RMP. Construction of a solar energy generation facility may not be compatible with the use of the corridors. Additional coordination with the applicant prior to NOI to adjust project boundaries may be required.

35	The project footprint overlaps and is adjacent to mesquite bosques. These mesquite woodlands provide important habitat for migratory bird species. Coordination with the applicant may be needed prior to NOI to remove development from the mesquite bosques and reduce impacts to the migratory birds.
36	The Pahrump Valley Basin is overallocated in the water use permits. Any additional pumping is likely to impact groundwater dependent natural resources within the valley and adjacent valley to the southeast, depending on the depth of the wells. Until additional information is gathered on proposed ground water pumping, this information is not influencing the priority level. If the proponent decides to include ground water pumping in the plan of development, coordination with the State Water Engineer will be required.
37	The area in general has potential to contain biological soil crust. Surveys would have to be conducted to determine the density of biocrust on the proposed project site.

Section 3 – Resource Considerations

This section identifies the proposed projects resources conflicts. This section is to be completed by BLM resource specialists using existing data and knowledge of the area. The resource conflicts identified in this section can change the priority of the project.

Desert Tortoise
<p><i>Considerations:</i></p> <ul style="list-style-type: none"> • Based on vegetation, soil type, and/or previous surveys, whether the project is proposed in areas expected to occur in low, medium or high density tortoise habitat. • Whether the project is proposed in relatively undisturbed habitat. • Whether the project is located in a tortoise genetic connectivity corridor (least cost tortoise corridor) • The availability of an area to translocate desert tortoise within the same recovery unit from the proposed project site.
<p><i>Description of Issues:</i></p> <ul style="list-style-type: none"> • Desert tortoise (<i>Gopherus agassizii</i>) is a BLM sensitive species and classified as threatened by the USFWS. • Without new tortoise surveys, the density of tortoises within the project area is unknown. However, there are 5 historic tortoise surveys within 2 km of the project area that were conducted “prior to 1987” or “1987 to 1990”. The density results of those surveys vary quite a bit and are classified as “very low” (1), “low” (1), “moderate” (2), and “high” (1). • This project lies just over 1 km west of Yellow Pine Solar Project which after conducting tortoise surveys had an estimated adult tortoise density of 3.04 tortoises per km² which is low density habitat. • The project is proposed in relatively undisturbed habitat. • The project is located in desert tortoise high value contiguous habitat with the second highest conservation value in order to maintain desert tortoise connectivity on a landscape scale. Even though this project is located in high-quality habitat, the desert tortoise connectivity is being maintained in this area through limiting development north of State Route 160 and east of Tecopa Road, which is also the BLM’s regional tortoise augmentation areas (Stump Springs and Trout Canyon Translocation Areas). The project is not located in the priority tortoise connectivity area and is instead located just east of Pahrump, south of State Route 160, west of Tecopa Road, and west of the proposed Yellow Pine Solar Project.

- The project is located in the Eastern Mojave Recovery Unit, and this recovery unit is estimated to have a decreasing tortoise density. Tortoise translocation can follow USFWS established protocols. No unique or novel translocation methodology would have to be used. This project is located near the approved Stump Springs Regional Translocation Area and the tortoises would be translocated there. The Stump Springs Regional Long-term Monitoring Plan has already been approved by the USFWS, and can be used by solar projects that translocate tortoises within the Eastern Mojave Recovery Unit.

Other Federally Listed, State Listed, and BLM Sensitive Species Constraints

- Considerations:*
- Whether there are other Federally Listed, State Listed, and BLM Sensitive Species expected to occur at the site or have the potential to be directly or indirectly affected by the proposed project.

- Description of Issues:*
- There are no other known endangered species in the project area.
 - The project area also occurs across mesquite/acacia habitat, which is used by a variety of BLM sensitive species, including the Phainopepla, which relies almost entirely on mesquite/acacia woodlands. Mesquite bosques are also important to a variety of migratory birds. Coordination with the applicant prior to NOI to remove developed areas from the habitat will reduce the potential impacts. Remaining impacts will be addressed through mitigation.
 - Other BLM sensitive species most likely occur within the project area including Golden Eagle, LeConte’s Thrasher, Loggerhead Shrike, Prairie Falcon, Scott’s Oriole, Western Burrowing Owl, Desert Horned Lizard, Long-nosed Leopard Lizard, and Sidewinder. Impacts can be addressed through the normal NEPA process.

Botany
<p><i>Considerations:</i></p> <ul style="list-style-type: none"> • Whether the project will occur in or adjacent to habitat for any sensitive or state or federally listed species or Clark County MSHCP protected plant species. • Whether the project occurs in major portion (>10% of any population group) of habitat for BLM sensitive plant species or MSHCP protected plant species • Whether the project occurs in any habitat for federally endangered plant species OR Project occurs in habitat (> 5% of any population group) for state endangered plant species.
<p><i>Description of Issues:</i></p> <ul style="list-style-type: none"> • The project may occur in habitat for the BLM sensitive Pahrump Valley buckwheat (<i>Eriogonum bifurcatum</i>). Surveys have not been done in this area, but the species occurs in similar habitat to the west of the project site. Surveys would need to be completed prior to NOI. • The project is not known to occur in a major portion (>10% of any population group) of habitat for BLM sensitive plant species. However, surveys of this area have not been done, and would need to be done to determine the extent of the impact to this population. • The project does not occur in any habitat for federally endangered plant species and does not occur in habitat (> 5% of any population group) for state endangered plant species.

Weed Constraints
<p><i>Considerations:</i></p> <ul style="list-style-type: none"> • Whether there are non-native and/or noxious weed species present or adjacent to the project area. • Whether the project activity is likely to result in the establishment of noxious/invasive weed species. • Whether the spread of non-native and/or noxious weed species would result in impacts to the surrounding areas and whether that would have impacts on important areas such as Critical Habitat Units, ACECs, sensitive plant habitat, NCA's, National Monuments, etc.
<p><i>Description of Issues:</i></p> <ul style="list-style-type: none"> • There are some non-native species in the area, but primarily the widespread Mediterranean grass (<i>Schismus</i> sp.). • The project may result in the establishment of noxious and invasive weed species, partially depending on construction methodology. • There is a risk of new weeds spreading from the project area into the adjacent mesquite bosques, which could increase fire risk in these stands. • Developing mitigation measures for weed control is a normal part of the NEPA process.

Cultural and Native American

Considerations:

- Whether there are documented sites within 1000 meters of the project area.
- Whether there are ineligible archaeological sites and possible Native American cultural or religious sites, including high potential areas like river terraces or springs.
- Whether there are eligible archaeological resources that require treatment and known Native American Cultural or religious sites.
- Whether there are documented undisturbed human burials.

Description of Issues:

- No Cultural Resource Inventories have been conducted within the proposed project area. If the results for this project are like the Yellow Pine Project which is adjacent to this project area, there is a very low probability of locating historic properties within the area. A Class III Cultural Resource Inventory would be required for this project.
- There are no documented Isolated Objects within the project area nor within 1000 m of the project boundary.
- There are no documented ineligible or Native American cultural or religious sites in the project area.
- There are no documented eligible archaeological or Native American cultural or religious sites in the project area.
- There are no documented human burials within the project area.

Recreation

Considerations:

- The level of casual use recreation.
- Types and numbers of special recreation permits in the area.
- Whether the proposed project area occurs within a Special Recreation Management Area identified in a Land Use Plan that is managed specifically for recreation opportunities.
- The proposed project area occurs within a Special Recreation Management Area identified in a Land Use Plan that is managed specifically for recreation opportunities, and has developed recreation facilities (trailheads, kiosks, staging areas), in addition to having special recreation permitted activities.

Description of Issues:

- There is some casual recreation use occurring in the area, anticipated to be primarily the public accessing the area for motorized recreation and target shooting opportunities in addition to accessing the Old Spanish National Historic Trail.
- The LVFO has issued no Special Recreation Permits for activities in this area.
- The proposed project area is not located within a Special Recreation Management Area. There are no developed recreation facilities or opportunities in the proposed project area.
- The Old Spanish National Historic Trail (Designated December 2002) is located approximately four miles south of the proposed project area, this includes the high potential historic site at Stump Springs. Federal Protection Components associated with a National Historic Trail, include high potential historic sites, high potential route segments, and auto tour routes are identified by the National Trail administering agency through the trail wide Comprehensive Plan. See above for additional information.

Range / Grazing
<p><i>Considerations</i></p> <ul style="list-style-type: none">• Whether the project area is located in any active grazing allotment.• Whether the development of the solar facility make grazing impossible within the active allotment (development of key forage areas or key water sites).• Whether the project is in an allotment where Clark County has purchased the grazing preference to protect desert tortoise under the MSHCP (Arrow Canyon, Arrow Canyon in Battleship Wash, Beacon, Bunkerville, Crescent Peak, Christmas Tree Pass, Gold Butte, Hen Springs, Ireteba Peaks, Jean Lake, McCullough Mountain, Mesa Cliff, Roach Lake, Table Mountain, Toquop Sheep, Upper Mormon Mesa, White Basin).
<p><i>Description of Issues:</i></p> <ul style="list-style-type: none">• The project is located partially within an active grazing allotment (Wheeler Wash). This allotment does not have a current permittee; however, it is one of only five active allotments in BLM's Southern Nevada District. The development of the solar facility would not preclude grazing; this portion of the allotment does not have any known key forage area or water sites.

Section 4 - Priority Decision

Priority Decision	
Based on the BLM screening criteria found in 43 CFR 2804.35, and additional resource considerations, the project priority category has been determined to be:	High

Justification:

The Priority Decision documented above is made given the following considerations.

This project is located adjacent to the Yellow Pine Solar Project which is currently being analyzed in an Environmental Impact Statement (EIS). The Draft EIS has disclosed that the Yellow Pine Solar Project has relatively low resource conflicts and most issues have been resolved through Best Management Practices and Mitigation Measures. It is anticipated that this project would have similar impacts. Work will need to be done with the applicant to further define the final development area to avoid certain impacts.

There are a number of other applications in the same area as this project. This project was submitted prior to the Solar Energy PEIS decision and is considered a "Pending Project" as defined in the Record of Decision. As such, this project is not subject to the variance process, which will reduce the number of steps required to prepare the project for the issuance of a Notice to Proceed.



Nicholas B Pay
Field Manager
Pahrump Field Office

8/19/2020
Date

 Concurrency / Non-Concurrency



Angelita Bullets
District Manager
Southern Nevada District

8/19/2020
Date

ⁱ BLM. 2012a. "Approved Resource Management Plan Amendments/Record of Decision for Solar Energy Development in Six Southwestern States." October.

ⁱⁱ BLM. 1998. "Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement." October.

ⁱⁱⁱ <https://www.doi.gov/ourpriorities>

^{iv} <https://blmspace.blm.doi.net/wo/600/commtools/SitePages/Leadership%20Priorities.aspx>

^v <https://ecos.fws.gov/ecp0/reports/species-listed-by-state-report?state=Nv&status=listed>

^{vi} <http://heritage.nv.gov/species/process.php>

^{vii} <https://www.blm.gov/policy/nv-im-2018-003>

**Southern Nevada
District
Energy and Infrastructure
Team**

NVN-089655

**Project Prioritization
Proposed Project Area**

Legend

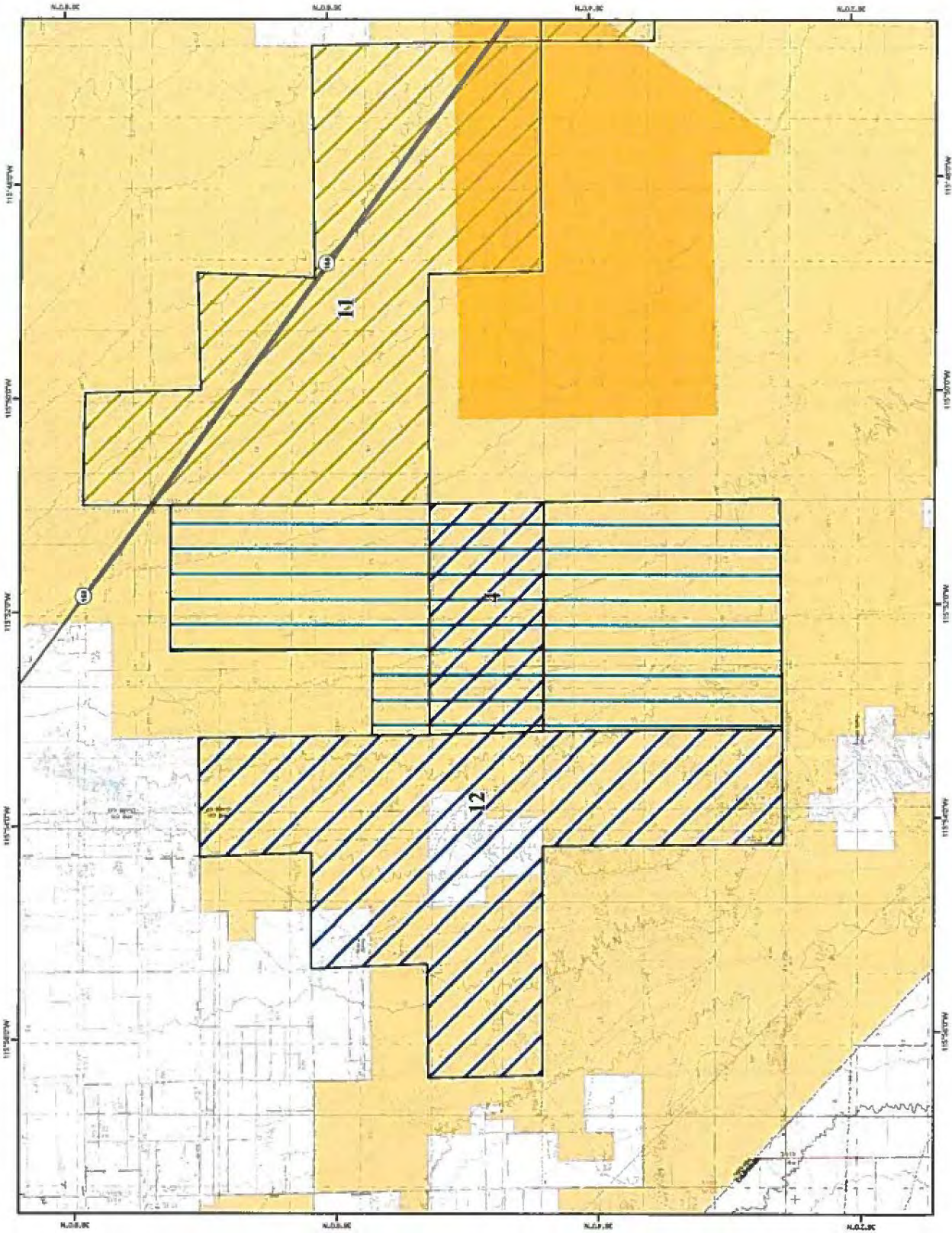
- Yellow Pine Solar Project
- SNDD E&I - Proposed Project
- Submission, Serial_Num, Project
- 4, NVN-089655, Copper Rays
- 11, NVN-099406, Rough Hat Clark
- 12, NVN-099407, Rough Hat Nye
- Land Status
- Agency
- Bureau of Land Management
- Private



Las Vegas Grid - UTM Zone 11, NAD 1983
Degrees Minutes Seconds

Prepared By: SNDD E&I Staff on 6/16/2020

No warranty is made by the BLM as to the accuracy, completeness, or timeliness of the information presented here or appropriate use with other data.



**Southern Nevada
District
Energy and Infrastructure
Team**

NVN-089655

**Project Prioritization
High Priority Criteria**

- Legend**
- SNDO EMI - Proposed Project Submission, Serial_Num, Project
 - 4, NVN-089655, Copper Rays
 - 11, NVN-089406, Rough Hat Clark
 - 12, NVN-089407, Rough Hat Nye
 - Yellow Pine Solar Project
 - Solar Energy Zone
 - Dry Lake East Designated Lease Area
 - VRM Class 4
 - SNDO Disposal Boundary
 - Amargosa Valley
 - Glendale
 - Goodsprings
 - Indian Springs
 - Lathrop Wells
 - Laughlin
 - Mesquite Bunkerville
 - Moapa
 - Moapa Valley
 - Nelson
 - Pahrump
 - Sandy Valley
 - Searchlight
 - Valley West
 - landcover - Potentially Disturbed
 - DESCRIPTION
 - Barren Lands, Non-specific
 - Developed, Medium - High Intensity
 - Developed, Open Space - Low Intensity
 - Recently Mined or Quarried

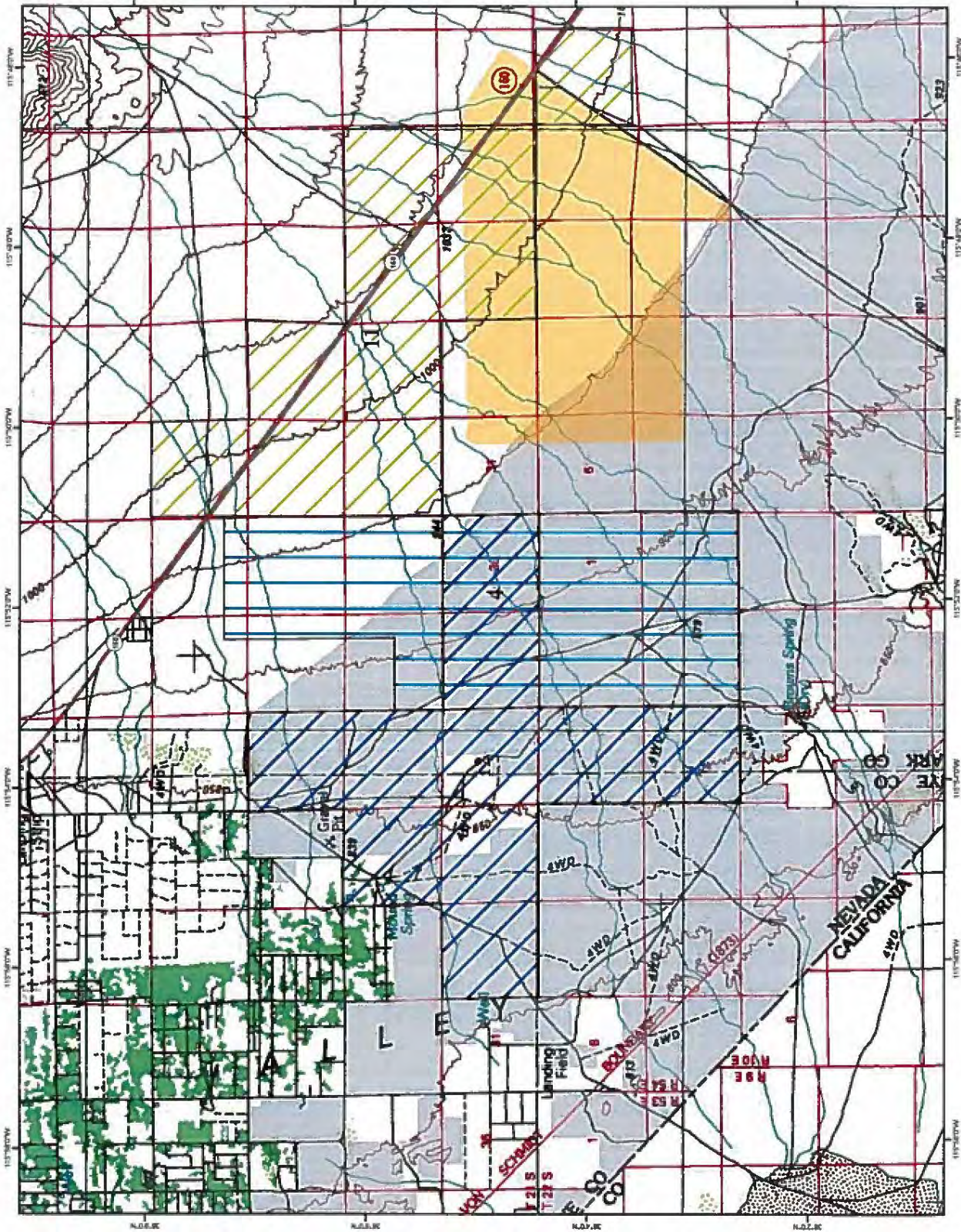


0 0.5 1 2
Miles

U.S. Geological Survey
Digital Elevation Data

Prepared by: 01/00 E21 04/16 4/02/2020

No warranty is made by the BLM as to the accuracy, reliability, or completeness of these data or individual data or interpretations, nor any other data.



**Southern Nevada
District
Energy and Infrastructure
Team**

NVN-089655

**Project Prioritization
High Priority Criteria**

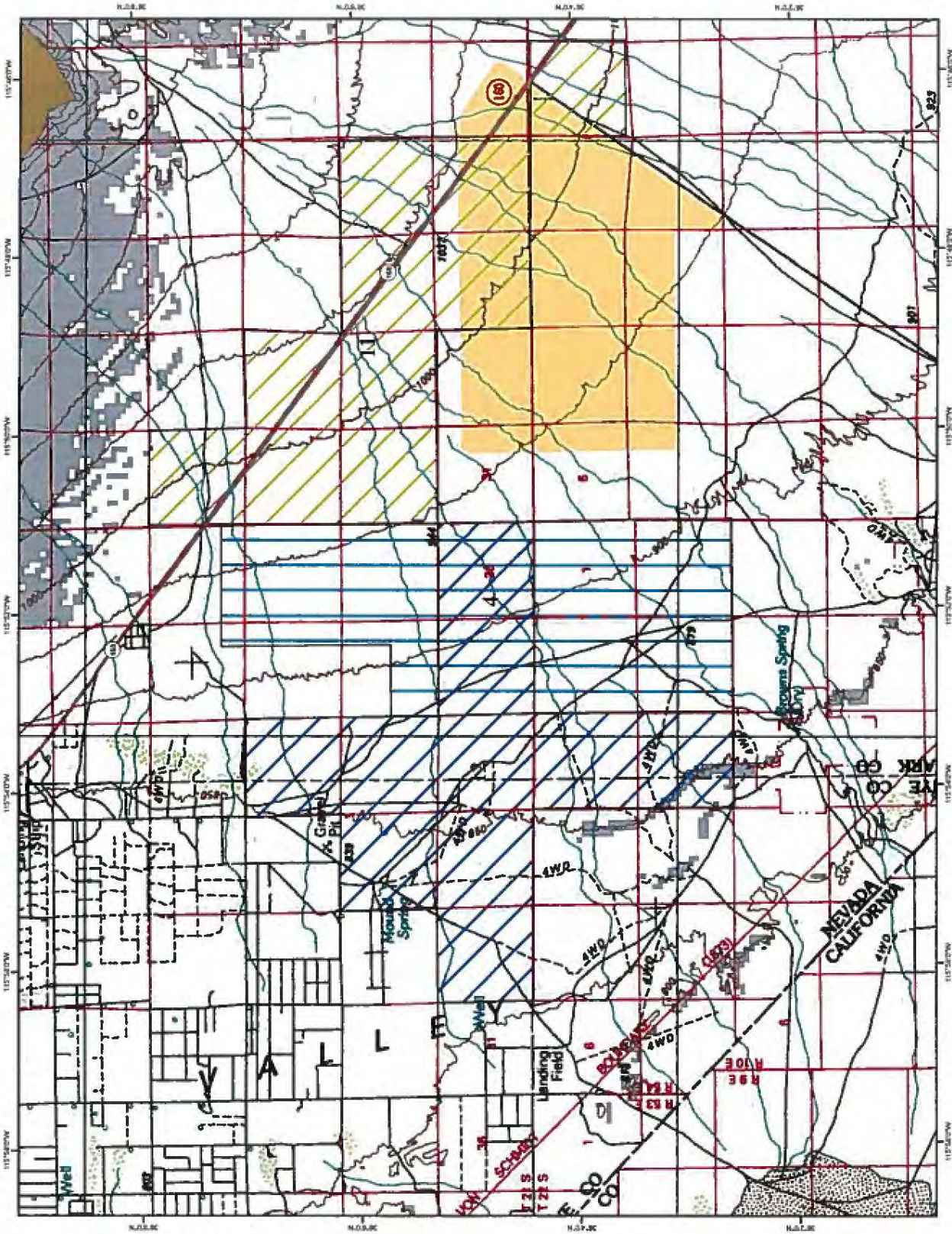
Legend

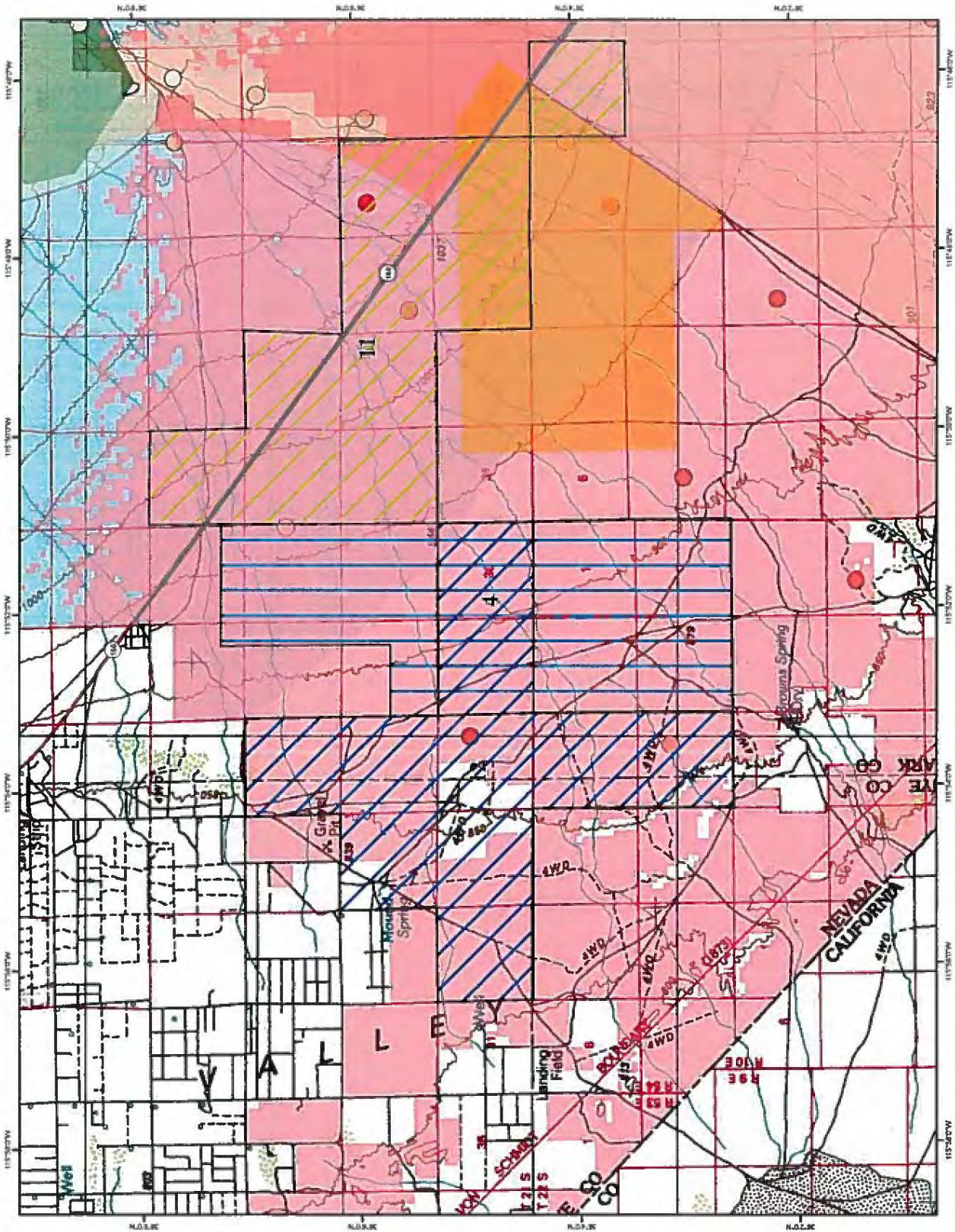
- SNDO E&I - Proposed Project Submission, Serial_Num, Project
- 4. NVN-089655, Copper Rays
- 11. NVN-089408, Rough Hat Clark
- 12. NVN-089407, Rough Hat Nye
- Yellow Pine Solar Project
- Solar Energy Zone
- Solar Exclusion Area
- Biological ACEC
- Cultural ACEC
- Cultural/Biological ACEC
- Desert Tortoise ACEC
- Geologic ACEC
- USFWS Wildlife Refuge Boundaries
- USFWS Wildlife Site (NPS)
- NHT High Potential Segment (NPS)
- NHT High Potential Segment (NPS)
- Old Spanish Trail NHT
- BLM Wilderness
- BLM Wilderness Study Area
- National Monuments
- Forest Service Special Management Areas
- Forest Service Wilderness
- National Conservation Areas



Prepared by: SNDO E&I Staff on 10/20/2020
 All maps are based on the 1:100,000 scale
 Degussa Litho Services

No warranty is made by the BLM as to the accuracy, reliability, or completeness of these data or individual data or aggregate use with other data.





Southern Nevada District
Energy and Infrastructure Team

NVN-089655

Project Prioritization Medium Priority Criteria

Legend

- SNDD E&I - Proposed Project Submission, Serial_Num, Project
- 4, NVN-089655, Copper Rays
- 11, NVN-089406, Rough Hat Clark
- 12, NVN-089407, Rough Hat Nye
- Yellow Pine Solar Project
- Lands with Wilderness Character
- Solar Avoidance / Variance Area
- Desert Tortoise Relative Density
- Desert Tortoise Relative Density
- Very Low
- Low
- Moderate
- High
- Very High
- Potential Bighorn Sheep Habitat
- SlumSprings_updated_area
- Trout Canyon Release Area
- Eastern Mojave Recovery Unit
- VRM Class 3

0 0.5 1 2 Miles

Let Long Dist -UTM June 11, 140 180
 Prepared By: SNDD E&I Staff on 8/20/2020
 No warranty is made by the BLM as to the accuracy, reliability, or completeness of these digital individual data or aggregate use with other data.

**Southern Nevada
District
Energy and Infrastructure
Team**

NVN-089655

**Project Prioritization
Wildlife Criteria**

- Legend**
- SNDD EMI - Proposed Project
 - Submission, Serial_Num, Project
 - 1, NVN-089655, Copper Rays
 - 11, NVN-089406, Rough Hat Clark
 - 12, NVN-089407, Rough Hat Nye
 - Yellow Pine Solar Project
 - Desert Tortoise
 - Relative Density
 - Desert Tortoise
 - Relative Density
 - Very Low
 - Low
 - Moderate
 - High
 - Very High
 - Potential Bighorn Sheep Habitat
 - StumpSprings, updated_area
 - Trout Canyon Release Area
 - Eastern Mojave Recovery Und
 - Endcover - Riparian Habitats
 - DESCRIPTION
 - North American Warm Desert Riparian Mesquite Bosque



Miles

0 0.5 1 2

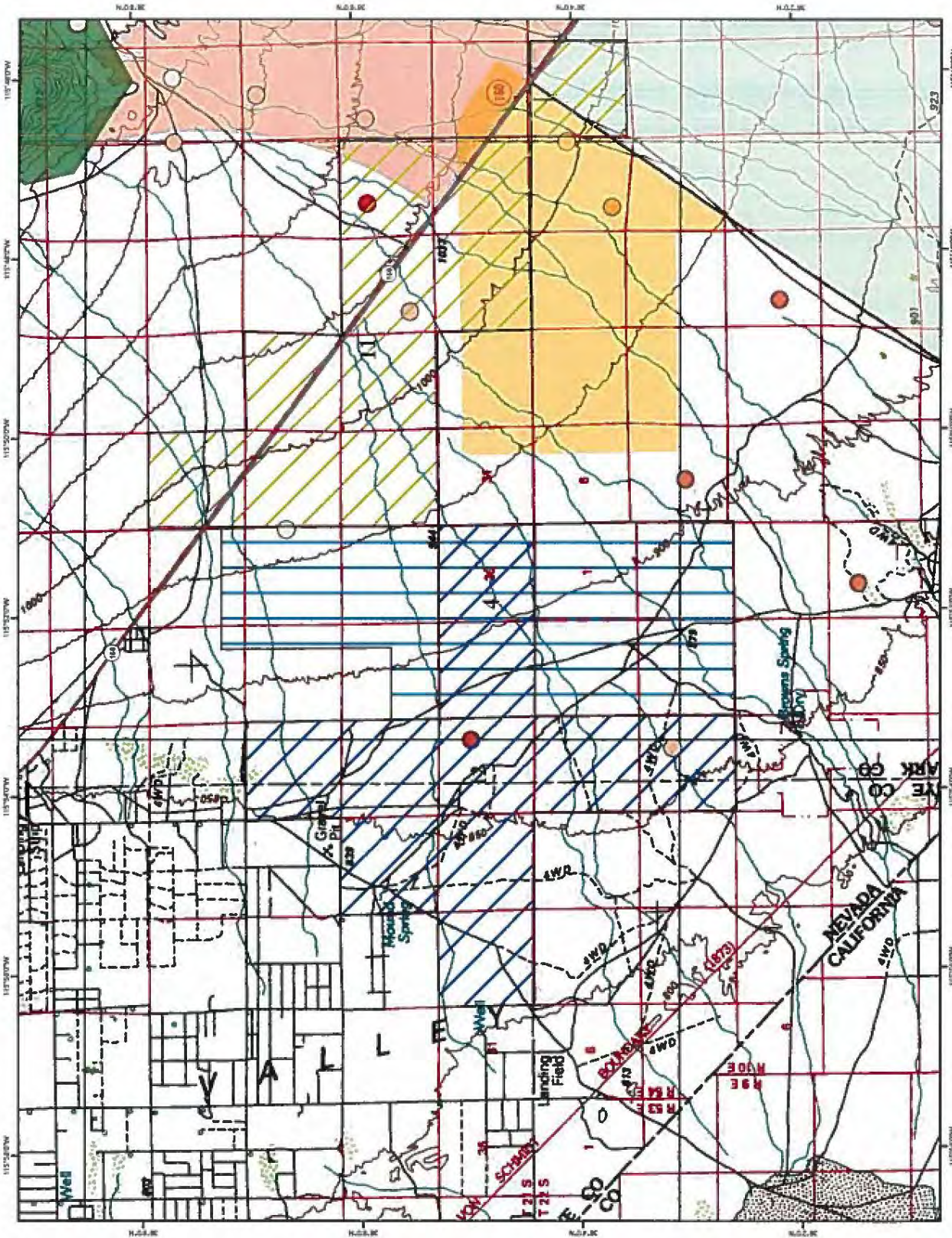
Lat Long Grid - UTM Zone 11, NAD 1983

Design: Melissa Searles

Prepared By: SNDD EMI Staff on 6/21/2020

No warranty is made by the EIM as to the accuracy, reliability, or completeness of these data or information.

Use of aggregate data with other data.



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the *FEDERAL REGISTER*, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... Department of the Interior, Bureau of Land Management, 4701 N. Torrey Pines, Las Vegas, Nevada 89130

WITH COPY TO SOLICITOR...

DOI Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-1712, Sacramento CA 95825-1890

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR.....

DOI Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-1712, Sacramento CA 95825-1890

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.