



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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Memorandum

To: **BLM State Director, Nevada**

Through: Angelita S. Bulletts
District Manager, Southern Nevada District Office
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Date: 2022.03.22 11:49:34 -0700

From: Shonna Dooman
Field Manager, Las Vegas Field Office
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Date: 2022.03.22 10:18:43 -0700

Subject: Recommendation to Approve the Rough Hat Clark County Solar Project Application Variance Request and Initiate the National Environmental Policy Act Process

The BLM Southern Nevada District Office has conducted an evaluation of the application for the proposed Rough Hat Clark County Solar Project (Project) in accordance with the requirements of 43 CFR §2804.25(e)(2)(iii) and the variance process described in the 2012 Record of Decision and Final Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States. Based on the evaluation, the BLM Las Vegas Field Office recommends that processing of the application continue with approval of the Project's variance request and initiation of the environmental review process under the National Environmental Policy Act.

Background

On November 14, 2019, Candela Renewables, LLC submitted a right-of-way application to the BLM Las Vegas Field Office for the Project. The Project consists of a 400-megawatt alternating current solar photovoltaic power generating facility with energy storage on approximately 2,400 acres of BLM managed public land located in Clark County, Nevada, southeast of the Town of Pahrump. Candela Renewables, LLC anticipates an average estimated workforce for the Project to be up to approximately 400 workers over the 12- to 18-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.

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* PARTIAL

The Project is subject to decisions made in the Record of Decision and Approved Resource Management Plan Amendments for the Solar Programmatic Environmental Impact Statement, which amended the Las Vegas Resource Management Plan. The Project is located in an area identified as variance which requires a more detailed evaluation of specific factors that must be considered in BLM's determination for the Project application, referred to as the Variance Process. It also requires that the determination on the application be made by the State Director, with concurrence from the Director.

In accordance with 43 CFR §2804.25(e) and BLM Southern Nevada District Office IM NV-SNDO-2020-001, the Las Vegas Field Office applied screening criteria and determined that the application was a high priority for processing on August 25, 2020. The BLM Las Vegas Field Office 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. On October 20, 2021, the lands within the Project boundary were segregated from mineral entry under the Mining Law of 1872, subject to valid existing rights, for a term of two years with publication of the Notice of Segregation in the Federal Register (43 CFR §2804.25(f)(1)).

Evaluation

Regulations include evaluation provisions that must be considered by the BLM when making the determination to either deny the application or continue processing. As part of the provisions, the Solar Programmatic Environmental Impact Statement requires a detailed evaluation of specific factors, referred to as variance factors. The provisions and related discussion specific to the application are included below.

Information provided by the applicant

Candela Renewables, LLC has provided information on the project to the BLM, including the right-of-way application, the preliminary Plan of Development, and required baseline resources survey information. Candela Renewables, LLC submitted the Variance Factor Report (Report) in March of 2022, a required detailed review of the Variance Factors for the Project (transmitted with this memorandum). The Report includes documentation of the applicability and inclusion of the Programmatic Design Features, required to be adopted for projects subject to the Solar Programmatic Environmental Impact Statement. The Report submission completes the formal request from Candela Renewables, LLC for BLM variance approval for the Project application.

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 three Pahrump Valley solar projects, including the Project and provided an Agency input period. This early Agency coordination yielded concerns related to water resource impacts, desert tortoise habitat/connectivity, potential effects to wildlife and vegetation species, climate change, and recreation use. Agency input and comments are included in the input summary report (transmitted with this Memorandum).

Variance factor coordination and review specific to desert tortoise connectivity habitat and National Park Service Areas of High-Potential Resource Conflict was documented by the BLM, U.S. Fish and Wildlife Service, and National Park Service. The U.S. Fish and Wildlife Service and the National Park Service are supportive of initiating the environmental review process for the Project. A description of the variance factor process with the U.S. Fish and Wildlife Service is included in the transmitted documentation, including a summary and maps.

For the review of the variance factor for the National Park Service Area of High Potential Resource Conflict, the BLM notified the National Park Service of the application and requested they identify the resources of concern for the subject park (Death Valley National Park). The National Park Service

notified the BLM that the resource of concern was water use by the project (groundwater). In response, the BLM requested that Candela Renewables, LLC prepare a water supply assessment. This report was submitted to the National Park Service for review, and subsequently revised based on comments from the Park Service and information from the Nevada Division of Water Resources data. The National Park Service fulfilled their obligation for variance review by responding that the projected water use for the Project would be “sufficiently low that the projects do not appear to conflict with National Park Service protection for resources and values associated with Death Valley National Park, the Amargosa Wild and Scenic River, and other special status areas under the administration of the National Park Service.” The National Park Service also indicated their concern about cumulative water use of projects proposed within the Pahrump Valley area would be more appropriately evaluated during the environmental review process.

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. Tribal Consultation for the Project is ongoing. To date, the Tribes consulted with have not expressed any major concerns with the project.

Comments received in preliminary application review meetings

The BLM Las Vegas Field Office 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 criteria from 43 CFR §2804.35, local considerations, and resource considerations. The results of the prioritization evaluation were transmitted to Candela Renewables, 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 for your review.

Comments received in public meeting

As required for the application evaluation and the variance process, the BLM Las Vegas Field Office 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 8 and 9, 2021 (with 25 attendees and 30 attendees, respectively) and the public input period for the project was from November 15 to December 22, 2021. Comments and input received during the public information forums and input period are compiled and summarized in a report, which has been 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 recreation opportunities and use, proximity to Pahrump, impacts to health from dust/air quality changes, 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. If a favorable variance determination is made for the Project, the BLM will assess the appropriate size/configuration of Project through alternatives development in the environmental review 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 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), and concerns relating to botanical and wildlife species present within the project area.

The Report includes documentation for the factors and Programmatic Design Features outlined in the Solar Programmatic Environmental Impact Statement for the Project and provides information on resources within or adjacent to the project area. The BLM considered these factors when evaluating the Project application, including resource specific values. The design features would be applied to solar energy projects subject to the decision in the Solar Programmatic Environmental Impact Statement on BLM-administered lands. Candela Renewables, LLC has committed to implementation of the applicable design features, as provided in the Report. The applicable design features help minimize resource conflicts would be carried forward for incorporation in the environmental analysis if a favorable variance determination is made.

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 environmental review process, if the Project receives a favorable variance determination.

Recommendation

The BLM Las Vegas Field Office has completed evaluations for the Rough Hat Clark County Solar Project application in accordance with 43 CFR §2804.25(e)(2)(iii) and the Las Vegas Resource Management Plan, as amended (including provisions requiring evaluation of the Variance Factors identified in Appendix B of the Solar Programmatic Environmental Impact Statement). Based on the evaluations, it is hereby recommended that BLM continue processing the application by approving the Variance Request and initiating the National Environmental Policy Act process. Drafts of the Variance Approval documents are being transmitted with this memorandum for your review and approval.

Approved: Disapproved:



Jon K. Raby
BLM State Director, Nevada



Date