

Bureau of Land Management
Director's Protest Resolution Report

Bonanza Solar Project Final Environmental Impact Statement/Proposed Resource Management Plan Amendments

November 9, 2026

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Acronyms

Term	Definition
ACEC	Area of Critical Environmental Concern
BLM	Bureau of Land Management
Bonanza	Bonanza Solar Project
CFR	Code of Federal Regulations
DOI	U.S. Department of the Interior
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
IM	Instruction Memorandum
KOP	Key Observation Point
NEPA	National Environmental Policy Act
PRMPA	Proposed Resource Management Plan Amendment
RMP	Resource Management Plan
RMPA	Resource Management Plan Amendment
ROW	right-of-way
SNDO	Southern Nevada District Office
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
VRM	Visual Resource Management

Introduction

The Bureau of Land Management (BLM) Southern Nevada District Office released the Final Environmental Impact Statement (FEIS) and Proposed Resource Management Plan Amendments (PRMPAs) for the Bonanza Solar Project (Bonanza) on August 21, 2026. The Bonanza FEIS/PRMPAs considers both implementation-level decisions and land use planning decisions. Only the proposed land use planning decisions under consideration are subject to protest. The BLM received three unique protest letter submissions during the subsequent 30-day protest period, which ended on September 21, 2026.

The planning regulations at 43 Code of Federal Regulations (CFR) 1610.5-2 outline the requirements for filing a valid protest of proposed land use planning decisions. The BLM received three protest letters from four protesting parties. The BLM evaluated the submissions to determine if they satisfied the regulatory requirements and determined that one submission from one protesting party did not have standing, and their letter was dismissed. The two remaining protest letters were timely, and the protesting parties had standing to protest, but one letter did not contain valid protest issues, so this letter was also dismissed. The remaining letter was evaluated and contained valid protest issues, as shown in the *Protesting Party Index* below. The BLM has documented its responses to the valid protest issues and recorded the protest decision in writing, along with the reasons for the decision, in this protest resolution report. No changes to the Bonanza FEIS/PRMPAs have been identified as necessary to address the valid protest issues received.

The Notice of Intent to prepare the Bonanza Environmental Impact Statement (EIS) was published on June 5, 2023, and the Draft EIS/Resource Management Plan Amendment (RMPA) was published on September 6, 2024. Since then, the Council on Environmental Quality has removed its National Environmental Policy Act (NEPA) implementing regulations, and the U.S. Department of the Interior (DOI) has revised its NEPA regulations and issued the DOI NEPA Handbook (91 *Federal Register* 618 [January 8, 2026]; 91 *Federal Register* 8738 [February 24, 2026]). Although the NEPA process for Bonanza was sufficiently advanced to potentially warrant application of the preexisting procedures, the BLM prepared the Bonanza FEIS/PRMPAs under the DOI NEPA regulations (43 CFR 46) and the DOI NEPA Handbook (516 DM 1) (Bonanza FEIS/PRMPAs, pp. 1-1 and n.5). This report therefore applies to those procedures in responding to the NEPA protest issues.

The BLM's Assistant Director for Resources and Planning addressed the protest letters received and has issued this protest resolution report to the protesting parties and posted the report on the BLM's website. The decision was sent to the protesting parties by certified mail, return receipt requested. Consistent with the BLM Delegation of Authority Manual (MS-1203, *Delegation of Authority*), resolution of protests is delegated to the BLM Assistant Director for Resources and Planning, whose decision on the protest is the final decision of DOI (43 CFR 1610.5-2(b)).

Protesting Party Index

Letter Number	Protestor	Organization	Determination
PP-NV-BZ-EIS-26-01	Valarie Gibson	-	Dismissed: Comments Only
PP-NV-BZ-EIS-26-02	Harrison Malburg	-	Dismissed: No Standing
PP-NV-BZ-EIS-26-03	Laura Cunningham	Western Watersheds Project	Denied
PP-NV-BZ-EIS-26-03	Kevin Emmerich	Basin and Range Watch	Denied

FLPMA: ACEC Nomination and Designation

Western Watersheds Project & Basin and Range Watch
Laura Cunningham & Kevin Emmerich

Issue Excerpt Text: BLM in the Final EIS describes how important this area is for recovery of the Mojave desert tortoise as a whole:

Recovery of the federally threatened Mojave desert tortoise is reliant on not only preserving protected areas, such as Critical Habitat Units, but even more importantly, maintaining connectivity of those protected areas to preserve genetic connectivity (Averill-Murray et al. 2013, USFWS 1994, 2011). Because desert tortoises are not migratory species, ensuring they have adequate habitat to maintain sufficient populations to maintain interconnected networks across the landscape is one of the most critical recovery criteria (Averill-Murray et al. 2013, USFWS 2011).

The revised nominated ACEC boundary would incorporate the following for desert tortoise habitat connectivity:

1. Include the only remaining tortoise connectivity between the west and east sides of the Spring Mountains, and between the Eastern Mojave Recovery Unit and the Northeastern Mojave Recovery Unit. This corridor has been identified as critical for maintaining tortoise genetic connectivity between the two Recovery Units (AverillMurray et al. 2013).

2. Include the modeled "Least-Cost Corridor" in the corridor (Averill-Murray et al. 2013).

3. Include modeled tortoise habitat connectivity in the corridor (Nussear et al. 2009, Gray et al. 2019). Appendix K-10, emphasis ours.

Yet, instead of designating this ACEC to protect these resources, as mandated by FLPMA, BLM went on to review solar applications that fall right in the middle of this connectivity corridor. The construction of Bonanza Solar Project would degrade habitat, block large areas of connectivity, and jeopardize tortoise viability here. BLM now is trying to punt the designation of this ACEC to a vague future time, and rely on experimental new temporary mitigation measures to act as a placeholder to the ACEC while simultaneously allowing the construction of a large-sale solar energy project in the connectivity corridor. Appendix K-12.

Western Watersheds Project & Basin and Range Watch
Laura Cunningham & Kevin Emmerich

Issue Excerpt Text: The BLM must also respond and consider Area of Critical Environmental Concern nominations under FLPMA § 202(c)(3), 43 U.S.C. § 1712(c)(3. The mandate to the Secretary to "give priority to the designation and protection of areas of critical environmental concern" in developing and revising land use plans. FLPMA § 102(a)(11), 43 U.S.C. § 1701(a)(11). The requirement in the FLPMA policy section that "regulations and plans for the protection of public land areas of critical environmental concern be promptly developed."

In 2022, Basin and Range Watch and Western Watersheds Project nominated the 59,000-acre Cactus Springs Area of Critical Environmental Concern to be considered as an alternative to the proposed action. Because two resource management plan amendments are being considered in the EIS, the BLM could add conservation and the ACEC nomination to the Purpose and Need Statement.

Western Watersheds Project & Basin and Range Watch
Laura Cunningham & Kevin Emmerich

Issue Excerpt Text: The Las Vegas Resource Management Plan has not been updated since 1997 and has also had plan maintenance. Designation of an ACEC would require the BLM to re-evaluate the site for VRM standards and under FLPMA through resource management plan amendments.

Maintaining the VRM Class III designations would be possible, but some areas in the Indian Springs Valley and the Mercury Valley could be re-evaluated under VRM Class II which has an objective of: retaining the existing character of the landscape. Allowed Level of Change: The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer.

The Bonanza Solar Project should be paused until a Resource Management Plan revision can be fully implemented.

Summary:

The protestor claims the BLM violated the Federal Land Policy and Management Act (FLPMA) by failing to incorporate the Cactus Springs Area of Critical Environmental Concern (ACEC) nomination in the purpose and need for the Bonanza FEIS/PRMPA and failing to designate the Cactus Springs ACEC despite recognizing the area's importance as a desert tortoise connectivity corridor. The protestor argues that the BLM should have included ACEC designation and conservation objectives as part of the planning effort and considered the nomination. The protestor argues that instead of providing permanent protection through designating an ACEC, the BLM allows solar energy development within the corridor and relying on temporary or insufficient mitigation measures that would not sufficiently protect tortoise habitat and connectivity.

Response:

Section 202(c)(3) of FLPMA requires that the BLM give priority to the designation and protection of ACECs in the development and revision of land use plans (43 United States Code [U.S.C.] 1712(c)(3)). However, the BLM may defer evaluation and designation of nominated ACECs when amending an existing plan if they are outside the scope of the purpose and need for the amendment. The BLM's regulations governing procedures for changing established land use plans permit the BLM to change a land use plan through amendment (43 CFR 1610.5-5). The planning regulations specifically identify that amendments are initiated by the need to consider, among other things, "a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions, and decisions of the approved plan" (43 CFR 1610.5-5). The BLM has discretion to define the scope and purpose of the planning effort, and alternatives are evaluated against the purpose and need (43 USC 1712, 1761; 43 CFR 1610.5-5). The BLM develops a purpose and need for a proposed action based on the applicable statutory authority and, when concerning the BLM's duty to act on an application for authorization, will also be informed by the goals of the applicant (DOI NEPA Handbook Section 2.2). The purpose and need statement "can be an effective tool to control the scope of the analysis and thereby increase efficiency by eliminating unnecessary analysis and reducing delays in the process" (DOI NEPA Handbook, Appendix 1, Section 4(1)). Action alternatives are not "reasonable" if they do not respond to the purpose and need for the action (DOI NEPA Handbook, Appendix 1, Section 4(1)).

Section 1.3 of the Bonanza FEIS/PRMPAs identifies the BLM's purpose as to "respond to the FLPMA right-of-way [ROW] application submitted by the Applicant" and the need is "established by BLM's responsibilities under FLPMA and its ROW regulations to consider the application" and decide whether to grant, modify, or deny the requested authorization and associated RMPAs (Bonanza FEIS/PRMPAs, pp. 1-3–1-4). The Bonanza FEIS/PRMPAs is informed by the BLM's duty to respond to an application for solar development (43 USC 1761). The Cactus Springs ACEC designation was not included in the BLM's purpose and need statement because the designation of an ACEC was not within that purpose and need (Bonanza FEIS/PRMPAs Appendix L, pp. L-77, L-80). The PRMPAs are limited to resolving the project's nonconformance with the 1998 Las Vegas Resource Management Plan (RMP) by realigning the U.S. 95/Crater Flat Legacy Locally Designated

Utility Corridor and reclassifying the 5,133-acre Application Area from Visual Resource Management (VRM) Class III to VRM Class IV (Bonanza FEIS/PRMPAs, Section 1.7, pp. 1-5–1-6; Sections 4.3–4.4, pp. 4-2–4-3), and the planning area for the RMPAs is limited to the Application Area and the utility corridors proposed for modification (Bonanza FEIS/PRMPAs, p. 4-1). Because designation of a large-scale ACEC extending beyond the project area was not necessary to resolve those plan conformance issues, the BLM determined that consideration of ACEC designation would be deferred to a future land use planning process (Bonanza FEIS/PRMPAs Appendix J, p. J-5; Appendix L, p. L-9). The Bonanza FEIS/PRMPAs demonstrates that the BLM considered the Cactus Springs ACEC nomination throughout the planning process (Bonanza FEIS/PRMPAs, pp. 1-7–1-8). The BLM received the Cactus Springs ACEC nomination on September 20, 2022, during the public input period for the solar variance process, and prepared a relevance and importance evaluation report under then-applicable BLM Manual Section 1613, which was made available for public review with the Draft EIS/RMPA as Appendix K, *Evaluation of Cactus Springs Area of Critical Environmental Concern Nomination* (Bonanza FEIS/PRMPAs, p. 1-7; Appendix K, pp. K-1, K-9). The BLM interdisciplinary team found relevance and importance values for the Mojave desert tortoise and its habitat within the revised nominated ACEC boundary (Bonanza FEIS/PRMPAs Appendix K, pp. K-9–K-10). The evaluation also identified temporary management and implementation actions to be implemented as part of the project, including retaining patches of intact vegetation and washes within the solar arrays, limiting grading, incorporating wildlife fence openings for desert tortoise, and ensuring that culverts under U.S. 95 are maintained for safe desert tortoise passage, and the project will comply with that interim special management (Bonanza FEIS/PRMPAs, p. 1-7; Appendix J, p. J-5; Appendix K, p. K-12).

When the BLM received and evaluated the Cactus Springs nomination, BLM Manual Section 1613, Areas of Critical Environmental Concern (rel. 1-1541, Sept. 29, 1988) (MS-1613), as clarified by BLM Instruction Memorandum (IM) 2023-013 (November 30, 2022), were the policy guidance in place for the BLM's consideration of ACEC nominations.[1] While a nomination may be submitted at any time, if an area is identified for consideration as an ACEC and a planning effort is not underway or imminent, the BLM will make a preliminary evaluation of relevance and importance. If the criteria are met, the BLM can decide whether to initiate a plan amendment to further evaluate the potential ACEC or provide temporary management until an evaluation is completed through a future planning process (MS-1613.21.A.2.a, .21.C, .21.E). The BLM considers ACEC nominations during amendments of existing RMPs only "if consideration of ACECs is within the scope of the amendment," and that where a planning process governing the area is not underway or imminent, the Authorized Officer has discretion to provide temporary management and implementation actions, consistent with the approved RMP, "until an evaluation can be completed during planning." The direction to evaluate ACEC designation in at least one plan alternative applies only when the BLM considers a potential ACEC through the planning process (MS-1613.22.B; IM 2023-013).

The BLM's process for the Cactus Springs ACEC nomination followed the applicable policy guidance during the NEPA process for the Bonanza Solar Project (Bonanza FEIS/PRMPAs Appendix K, p. K-1). A BLM interdisciplinary team evaluated each value identified in the nomination against the relevance and importance criteria, documented the basis for each determination, including the values found not to meet the criteria, and found relevance and importance values for the Mojave desert tortoise and desert tortoise habitat connectivity (Bonanza FEIS/PRMPAs Appendix K, pp. K-3–K-10). Because the PRMPAs are limited to the Application Area and the utility corridors proposed for modification (Bonanza FEIS/PRMPAs, p. 4-1), consideration of ACEC designation was not within the scope of the amendments, and no planning process governing the nominated area was

[1] Note that this policy guidance changed more than once during the NEPA process for this project. The 1988 ACEC Manual and IM 2023-013 were replaced by an updated ACEC Manual rel. 1-1832 on August 7, 2024, but that manual was later rescinded on May 29, 2026.

underway. Consistent with MS-1613.21.E and IM 2023-013, the BLM therefore identified temporary management and implementation actions that the project will implement until the nomination can be evaluated in a future land use planning process (Bonanza FEIS/PRMPAs Appendix J, p. J-5; Appendix K, p. K-12; Appendix L, p. L-9). The BLM also considered an alternative that would have designated the surrounding 58,000 acres as a ROW exclusion area/ACEC and documented its rationale for not carrying that alternative forward (Bonanza FEIS/PRMPAs Appendix J, p. J-5; see MS-1613.33.E). The BLM took the same approach to the Cactus Springs nomination in the Greenlink West Transmission Project planning effort (BLM 2024:3–4). Although MS-1613 and IM 2023-013 have since been rescinded, the BLM's determination that designation of the Cactus Springs ACEC was outside the scope of the PRMPAs also rests independently on FLPMA, the BLM planning regulations, and the purpose and need for the action, as discussed above (see BLM 2026:4).

The BLM has appropriately complied with FLPMA by considering and evaluating the Cactus Springs ACEC nomination, consistent with the BLM policy in effect at the time, and reasonably determining that designation of the Cactus Springs ACEC was outside the scope of the Bonanza FEIS/PRMPAs. Accordingly, this protest is denied.

FLPMA: ACEC Nomination – Resource Impacts

Western Watersheds Project & Basin and Range Watch
Laura Cunningham & Kevin Emmerich

Issue Excerpt Text: We detail in this protest how these temporary mitigation measures will not ensure that tortoises here have adequate habitat to maintain sufficient populations to maintain interconnected networks across the landscape, as is one of the most critical recovery criteria to ward off jeopardy.

Designating an ACEC now is within the scope of BLM's purpose and need following FLPMA to balance development pressures with conservation on high-value parcels of land. A No Action Alternative can be chosen, and the RMP amended to designate the Cactus Springs ACEC.

Western Watersheds Project & Basin and Range Watch
Laura Cunningham & Kevin Emmerich

Issue Excerpt Text: At issue is whether to protect this tortoise population and habitat as a crucial connectivity corridor immediately, which we have several times asked BLM to do with our nominated Cactus Springs ACEC. BLM admits that an ACEC should be designated to protect tortoise connectivity here, but proposes temporary interim measures while degrading the area with solar projects. We have argued that mitigation measures proposed to reduce impacts in the solar fields and allow tortoises to re-occupy the industrial sites will fragments habitat and reduce connectivity to very low levels, potentially cutting this important corridor off to any meaningful genetic flow. BLM's discussion of connectivity in the FEIS emphasizes that under the Endangered Species Act it has a commitment to preserving connectivity corridors of functional tortoise habitat, especially because of the expansion of Las Vegas urbanization in the Southern Nevada Office (SNDO) area.

Summary:

The protestor claims that the BLM violated FLPMA by not designating the proposed Cactus Springs ACEC, resulting in adverse effects on desert tortoise habitat and connectivity.

Response:

Section 202(c)(3) of FLPMA directs the BLM to give priority to the designation and protection of ACECs in developing and revising land use plans (43 U.S.C. 1712(c)(3)), but the BLM may defer

evaluation and designation of nominated ACECs when amending an existing plan if they are outside the scope of the purpose and need for the amendment. As discussed in the response to *FLPMA: ACEC Nomination and Designation* above, designation of the Cactus Springs ACEC was outside the scope of the Bonanza FEIS/PRMPAs. The remainder of this response addresses the protestors' concerns about the analysis of effects on desert tortoise habitat and connectivity.

NEPA requires the BLM to take a "hard look" at the environmental consequences of a proposed action (*Kleppe v. Sierra Club*, 427 U.S. 390, 410 n.21 (1976)). An EIS must include a detailed statement on the reasonably foreseeable environmental effects of the proposed agency action and any reasonably foreseeable adverse environmental effects that cannot be avoided (42 U.S.C. 4332(2)(C)(i)–(ii); DOI NEPA Handbook Section 2.3(a)(1)–(2)), and the BLM must ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document (42 U.S.C. 4332(2)(D)). The BLM's analysis should focus on whether the environmental effects of the proposed action are significant and discuss effects in proportion to their significance (DOI NEPA Handbook Section 2.3(b)(1), (c)).

The Bonanza FEIS/PRMPAs evaluates the Project's effects on desert tortoise habitat and connectivity under each alternative, including the potential effects of habitat disturbance, vegetation loss, and changes to movement corridors (Bonanza FEIS/PRMPAs, pp. 2-1–2-4, 2-16–2-29). The Bonanza FEIS/PRMPAs analyzes the effects of a reasonable range of alternatives and their impacts on tortoise habitat and connectivity (Bonanza FEIS/PRMPAs, pp. 3-49–3-83; Tables 3-19 through 3-25, pp. 3-57–3-82). Effects findings include changes to available desert tortoise habitat, with variable acres of permanent surface disturbance between the alternatives (Bonanza FEIS/PRMPAs, pp. 3-59–3-83). Approximately 61 more acres of Mojave desert tortoise habitat would be maintained over the 50-year term of the ROW under the Preferred Alternative as opposed to the Proposed Action (Bonanza FEIS/PRMPAs, p. 3-79).

The Bonanza FEIS/PRMPAs recognizes that the Project Area lies within a least-cost corridor and Priority 1 connectivity habitat (Bonanza FEIS/PRMPAs Appendix L, p. L-81) and discloses that constructing a large-scale solar facility in this connectivity corridor would constrict connectivity in an already narrow area and that the removal of Priority 1 connectivity habitat would affect east–west landscape connectivity outside the immediate Project footprint (Bonanza FEIS/PRMPAs, p. 3-63). To reduce these effects, the BLM designed the action alternatives to minimize grading and retain vegetation to increase the potential for desert tortoise to passively reoccupy the buildable areas after construction (Bonanza FEIS/PRMPAs, p. 2-1). Under the Preferred Alternative (Alternative 2a), grading (D-3 disturbance) would total 326 acres, 537 fewer acres than under the Proposed Action, and a 75 percent perennial vegetation cover standard would apply (Bonanza FEIS/PRMPAs, pp. 2-2, 3-79–3-80).

To the extent the protestors challenge the adequacy of the mitigation measures, NEPA requires the BLM to consider reasonable mitigation measures, but does not require the BLM to evaluate or select any specific form of mitigation, and NEPA itself does not direct the BLM to approve or implement any particular mitigation (DOI NEPA Handbook Section 1.3(e)(1); see also *Robertson v. Methow Valley* Citizens Council, 490 U.S. 332, 352–53 (1989)). The Bonanza FEIS/PRMPAs identifies design features and mitigation measures to reduce impacts on desert tortoise habitat and connectivity, including setting back all permanent project components at least 500 feet from U.S. 95 and the culverts underneath it, and installing culverts for tortoise access under fenced access roads (Bonanza FEIS/PRMPAs Appendix B, pp. B-5, B-47). Measures from the U.S. Fish and Wildlife Service (USFWS) Biological Opinion also require habitat compensation through remuneration fees to fund desert tortoise recovery actions in Nevada, and establish habitat restoration criteria that must be met, as monitored by a third-party research group, before the BLM and USFWS will allow desert tortoise to passively reoccupy the site (Bonanza FEIS/PRMPAs, p. 3-66; Appendix B, Table B-7, pp. B-49–B-50). The BLM consulted with the USFWS under Section 7 of the Endangered Species Act, and the

USFWS signed a Biological Opinion on March 27, 2025; the BLM requested reinitiation on May 5, 2025, to reflect the Applicant's revised site plan (Bonanza FEIS/PRMPAs, p. 5-7). As the BLM explained in response to comments, the USFWS has the authority to determine the acceptable impacts on the desert tortoise and the necessary mitigation for the project through the Section 7 process, and desert tortoise reoccupation would not be considered until the vegetation standards in the Record of Decision have been met as determined by the USFWS and the BLM (Bonanza FEIS/PRMPAs Appendix L, pp. L-77, L-82).

Refer to the protest response for *NEPA: Range of Alternatives* for information regarding the reasonableness of an alternative considering the designation of the ACEC.

The BLM complied with FLPMA in its consideration of the Cactus Springs ACEC nomination and complied with NEPA by evaluating a reasonable range of alternatives and disclosing the environmental consequences, including to desert tortoise habitat and connectivity, and evaluated the effects of the project on those resources to support informed decision-making. Accordingly, this protest issue is denied.

FLPMA: VRM

Western Watersheds Project & Basin and Range Watch
Laura Cunningham & Kevin Emmerich

Issue Excerpt Text: Downgrading Visual Resource designations is not consistent with FLPMA objectives on Visual Resources as defined by BLM Visual Manual 8400:

Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et. seq.; 1. Section 102 (a)(8). States that "...the public lands be managed in a manner that will protect the quality of the...scenic...values...."

2. Section 103 (c). Identifies "scenic values" as one of the resources for which public land should be managed.

3. Section 201 (a). States that "The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values (including...scenic values)...."

4. Section 505 (a). Requires that "Each right-of-way shall contain terms and conditions which will... minimize damage to the scenic and esthetic values...."2

And the National Environmental Policy Act:

National Environmental Policy Act of 1969, 43 U.S.C. 4321 et. seq.;

1. Section 101 (b). Requires measures be taken to " ...assure for all American...esthetically pleasing surroundings...."

2. Section 102. Requires agencies to "Utilize a systematic, interdisciplinary approach which will ensure the integrated use of...Environmental Design Arts in the planning and decision making...."

Summary:

The protestor claims that the BLM violated FLPMA, BLM Visual Manual 8400, and NEPA by downgrading VRM classifications to accommodate the proposed project. Furthermore, the protestor argues that the proposed VRM amendments are inconsistent with statutory requirements to protect scenic values.

Response:

The BLM planning regulations require "[a]ll future resource management authorizations and actions, as well as budget or other action proposals to higher levels in the Bureau of Land Management and Department, and subsequent more detailed or specific planning, shall conform to the approved plan" (43 CFR 1610.5-3(a)). Conformity to a land use plan "means that a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or plan amendment" (43 CFR 1601.0-5(b)). The regulations further allow that "[i]f a proposed action is not in conformance, and warrants further consideration before a plan revision is scheduled, such consideration shall be through a plan amendment in accordance with the provisions of § 1610.5-5 of this title" (43 CFR 1610.5-3(c)). The BLM acknowledges its responsibility to inventory, manage, and protect visual values on public lands through land use planning consistent with the requirements in Sections 102(a)(2), 102(a)(8), 201(a), and 202(c) of FLPMA. BLM Manual 8400 (BLM 1984), Handbook 8431 (BLM 1986a), and Handbook 8410-1 (BLM 1986b) guide the establishment of visual resource management classes during the RMP process, including RMPAs.

The visual resource analysis in the Bonanza FEIS/PRMPAs describes how visual character, scenic quality, sensitive viewing platforms, and compliance with BLM VRM classes were assessed using the principles of the BLM's Visual Contrast Rating system (Bonanza FEIS/PRMPAs, pp. 3-151–3-156). Table 3-58 of the Bonanza FEIS/PRMPAs lists the Key Observation Points (KOPs) selected to represent areas sensitive to contrast from the project and analyzes and evaluates the anticipated visual change associated with the proposed action (Bonanza FEIS/PRMPAs, p. 3-158). Conformance with VRM classes as a result of the anticipated visual changes are summarized in Table 3-59 (Bonanza FEIS/PRMPAs pp. 3-159–3-160). The table shows that at some KOPs, but not all, the project would not comply with VRM Class III objectives as defined by the Las Vegas RMP (Bonanza FEIS/PRMPAs p. 3-159). The 1998 Las Vegas RMP manages VRM Class III lands for partial retention of the existing character of the landscape, where authorized actions "may alter the existing landscape, but not to the extent that they attract or focus attention of the casual viewer" (Bonanza FEIS/PRMPAs, p. 3-159). Although the solar panels would not dominate views, the Project would attract the attention of motorists on the segment of U.S. 95 adjacent to the project and of visitors at elevated vantage points in the Humboldt-Toiyabe National Forest/Spring Mountain National Recreation Area, and therefore would not conform to VRM Class III objectives from those locations (Bonanza FEIS/PRMPAs, pp. 3-156–3-160, 4-3). The FEIS/PRMPAs explains that reclassifying the 5,133-acre Application Area to VRM Class IV is necessary because the Visual Resources Study determined that strong visual contrast and long-term impacts on viewers may occur, and that VRM Class IV would allow activities that may dominate the view and be the major focus of viewer attention (Bonanza FEIS/PRMPAs, pp. 4-2–4-3). The amendment would change VRM class objectives only for the lands occupied by the project, reducing the VRM Class III lands managed under the Las Vegas RMP by 0.3 percent, and future projects would be analyzed for conformance with applicable VRM class objectives (Bonanza FEIS/PRMPAs, p. 4-3; Appendix L, p. L-90).

With respect to the protestors' NEPA arguments, NEPA is "a purely procedural statute" (*Seven Cnty. Infrastructure Coal. v. Eagle Cnty.*, 605 U.S. 168, 173 (2025)), and Section 101(b) of NEPA declares national policy but does not mandate particular results (*Robertson*, 490 U.S. at 350). The BLM satisfied NEPA's procedural requirements by analyzing visual resource impacts as described above.

The BLM evaluated visual resource impacts using established VRM and visual contrast rating methodologies and analyzed consistency with existing and proposed VRM classifications in preparation of the Bonanza FEIS/PRMPAs. As such, the BLM is in concordance with FLPMA and BLM policy, which allow VRM classifications to be modified through a land use plan amendment when supported by the record. Accordingly, this protest issue is denied.

NEPA: Range of Alternatives

Western Watersheds Project & Basin and Range Watch
Laura Cunningham & Kevin Emmerich

Issue Excerpt Text: While these are not mentioned in the Final Environmental Impact Statement, Appendix J provides an analysis of alternatives that were considered. In spite of several requests to create a Conservation Alternative which would eliminate the solar project and create a Cactus Springs Area of Critical Environmental Concern, a conservation alternative is not analyzed.

A Conservation Alternative would recognize a need to comply with rules and regulations that have been implemented to protect the sensitive resources on public lands in the Mojave Desert. These would include the Endangered Species Act, the Paleontological Resources Protection Act, The Clark County Multiple Species Habitat Conservation Plan, and the Old Spanish National Historic Trail Comprehensive Administrative Strategy. The alternative could map out avoidance areas that keep development out of the 5 miles buffer for the Old Spanish Trail, avoid the Priority 2 Desert Tortoise Connectivity Habitat, avoid sensitive biological resources and avoid potential fossil sites. It could help protect the view-shed by upgrading the Visual Class to VRM Class II and creating permanent protections for resources in the area.

FLPMA Section 103(a) defines ACECs as places where "special management attention is required to protect and prevent irreparable damage" to significant values. Section 202(c)(3) gives the BLM authority to "give priority to the designation and protection" of ACECs.

The BLM did evaluate the Conservation Alternative for three other large-scale solar and transmission projects that have undergone NEPA analysis. These are the Purple Sage Energy Center, the Copper Rays Solar Project, and the GridLiance West Core Upgrade Project. While the alternative has been rejected so far, it seems unresponsive and irresponsible for BLM to write this off without analysis. It was requested by several stakeholders who own our public land.

The Bonanza Solar project analysis is very extensive and BLM is showing a personal bias by refusing to evaluate a reasonable, requested alternative.

Summary:

The protestor claims the BLM violated NEPA by failing to analyze a conservation alternative that protects sensitive resources and creates a Cactus Springs ACEC in the FEIS/PRMPAs.

Response:

NEPA requires agencies to evaluate a reasonable range of alternatives that are technically and economically feasible and meet the purpose and need for the proposed action (42 U.S.C. 4332(C)(iii), (2)(H)). NEPA directs agencies to ensure that environmental documents include "a reasonable range of alternatives…that are technically and economically feasible" (42 U.S.C. 4332(C)(iii)) and to "study, develop, and describe" such alternatives (42 U.S.C. 4332(H)). Consistent with this statutory framework, the DOI NEPA Handbook defines reasonable alternatives as those that are technically and economically feasible, meet the purpose and need for the proposed action, are within the bureau's jurisdiction, and, where applicable, meet the goals of the applicant (DOI NEPA Handbook, Section 6.1(v)). The BLM "may describe in brief the reasons for such elimination" of alternatives considered but eliminated from detailed study in an EIS, particularly when such an alternative has been recommended for consideration through public participation (DOI NEPA Handbook, Appendix 1, Section 4(2)). Because action alternatives are not "reasonable" if they do not respond to the purpose and need, the purpose and need statement dictates the range of alternatives (DOI NEPA Handbook, Appendix 1, Section 4(1)). That a conservation alternative may have been considered in the NEPA

analyses for other projects with different proposed actions does not establish that such an alternative is reasonable for this proposed action.

In the Bonanza FEIS/PRMPAs, the BLM considered all substantive scoping comments received, including scoping comments that supported the establishment of the nominated Cactus Springs ACEC and the elimination of the solar project (Bonanza FEIS/PRMPAs Scoping Report, Section 4.1.1.1). Appendix J of the Bonanza FEIS/PRMPAs discusses alternatives considered but removed from detailed analysis, including an alternative that would have designated the area as a ROW/Solar Exclusion Zone and an alternative that would have allowed development of the Buildable Areas while designating the surrounding 58,000 acres as a ROW exclusion area/ACEC (Project Development and Designate ROW Exclusion Area/ACEC Alternative) (Bonanza FEIS/PRMPAs Appendix J, pp. J-4–J-5). The ROW/Solar Exclusion Zone Alternative was dismissed from detailed analysis because it would not allow the BLM to consider the development of a solar energy facility in the project area, which would not have met the agency's purpose and need (Bonanza FEIS/PRMPAs, Section 1.3, pp. 1-3–1-4). The ROW/Solar Exclusion Zone Alternative also would have had effects substantially similar to those of the No Action Alternative, which was analyzed in detail, because under both scenarios no solar development would be built (Bonanza FEIS/PRMPAs Section 2.8, p. 2-32; Appendix J, p. J-4). As the BLM explained in response to comments, both that alternative and the No Action Alternative would have resulted in denial of the ROW grant, any future application for solar development would be subject to environmental review, and the area did not meet any of the 32 exclusion criteria under the 2012 Western Solar Plan (Bonanza FEIS/PRMPAs Appendix L, pp. L-86, L-91). The Project Development and Designate ROW Exclusion Area/ACEC Alternative was eliminated because the ROW exclusion area would have overlapped the entire width of Section 368 Utility Corridor 223-224, rendering that portion of the corridor unavailable for its intended purpose; because designating an ACEC that would exclude solar energy development would not meet the purpose and need; and because the ROW exclusion area would have been inconsistent with the solar variance designation for the area under the 2012 Western Solar Plan (Bonanza FEIS/PRMPAs Appendix J, p. J-5). Therefore, neither alternative needed to be carried forward for detailed analysis.

The BLM complied with the requirements of NEPA in considering and analyzing a reasonable range of alternatives in the Bonanza FEIS/PRMPAs, including those submitted by the public during the scoping period. Accordingly, this protest issue is denied.

References

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