



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Nevada State Office  
1340 Financial Boulevard  
Reno, Nevada 89502-7147  
<http://www.blm.gov/nv>

In Reply Refer To:  
NVN-092243  
2800 (NVC0100)

MAY 01 2014

## EMS TRANSMISSION MEMORANDUM

**TO:** Director (WO100)

**FROM:** Amy Lueders (NV910)  
Nevada State Director, Bureau of Land Management

**SUBJECT:** Approval to initiate the National Environmental Policy Act (NEPA) process for a solar energy right-of-way (ROW) application in a solar variance area.

### RECOMMENDATION

I recommend approval for the Stillwater Field Office to process the right-of-way (ROW) application for the Luning Solar Energy Project (LSEP) in Mineral County, Nevada. The Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (Solar PEIS) identified the location of the proposed LSEP as a variance area open to applications for solar energy development. Preliminary review by the Stillwater Field Office and early coordination with Federal, State, local, and tribal government agencies has found few known resource or management conflicts at the proposed location.

The attached memorandum from the Stillwater Field Office describes the early coordination work completed as a part of the variance area review process established by the Solar PEIS Record of Decision (ROD) (October 12, 2012). The memorandum also lists the potential issues to be addressed during the NEPA review process.

### DECISION BY THE DIRECTOR

APPROVE

DISAPPROVE

  
\_\_\_\_\_  
BLM Director

7.14.14  
\_\_\_\_\_  
Date

Attachment



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Stillwater Field Office  
5665 Morgan Mill Road  
Carson City, Nevada 89701  
<http://www.blm.gov/nv>

In Reply Refer To:  
NVN-092243  
2800 (NVC0100)

**MAR 25 2014**

## EMS TRANSMISSION MEMORANDUM

**TO:** Amy Lueders  
Nevada State Director, Bureau of Land Management

*Gary Johnson*  
Gary Johnson  
Acting

**THROUGH:** Teresa J. Knutson *TJK*  
Field Manager, Stillwater Field Office

**FROM:** Bernadette Lovato *Bernadette Lovato*  
District Manager, Carson City District Office

**SUBJECT:** Approval to initiate National Environmental Policy Act (NEPA) process for a solar energy right-of-way (ROW) application in a solar variance area.

The Bureau of Land Management (BLM) Stillwater Field Office (SFO) received a right-of-way (ROW) application on July 31, 2013, from Invenergy Solar Development LLC (Invenergy Solar), to develop an industrial scale solar energy facility on BLM-administered public lands between Carson City and Tonopah, Nevada. The proposed facility would utilize ground-mounted photo-voltaic solar panels, with up to 50 megawatt (MW) name-plate capacity, to generate solar energy within a 560-acre project area. Invenergy Solar is a subsidiary of Invenergy LLC, an international power generation company with projects in North America and Europe, mainly utilizing wind and natural gas resources. Invenergy LLC currently has one 20 MW solar facility in operation in Illinois and two more 10 MW facilities being constructed in Ontario, Canada.

The application from Invenergy Solar is considered a new application under the guidance provided in the Approved Resource Management Plan Amendments/Record of Decision (ROD), signed October 12, 2012, for the Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (Solar PEIS). New applications are subject to the requirements in the Solar PEIS ROD, including the variance process identified in Appendix B of the ROD.

Lands outside of a Solar Energy Zone (SEZ) identified by the Solar PEIS, which are not specifically excluded from industrial solar energy development, are considered variance areas. Variance areas are open to application for industrial scale solar energy projects, but require the applicant to adhere to the variance process outlined in the PEIS ROD. Developers proposing utility-scale solar energy development in variance areas must demonstrate to the BLM a solar energy project proposal will avoid, minimize, and/or mitigate effects on sensitive resources. That demonstration includes three preliminary meetings: the first with the BLM, the second to vet the proposal through Federal, state,

local, and tribal government agencies, and the third with the general public. If the preliminary meetings and variance screening process show there are resource conflicts in the proposed location, the BLM may deny the application without completing the NEPA process.

## **BACKGROUND**

The SFO previously completed an Environmental Assessment (EA) and issued a ROW grant for a similar solar energy application, within the same project area, in July 2009, prior to the completion of the Solar PEIS. The 2009 EA found the proposed location had few known natural resource conflicts and is potentially suitable for solar energy development. The prior ROW holder, Luning Solar Energy LLC, did not develop a solar energy facility and voluntarily relinquished their ROW in January 2013.

Invenergy Solar and Luning Solar Energy LLC contacted the SFO in early July 2013 to ask if the BLM would re-open the closed solar energy ROW so the project could be developed with Invenergy Solar as the lead company. The BLM informed both companies Luning Solar Energy LLC did not retain any rights to the project area after their ROW was relinquished and a new application for a new ROW would be required. An SF-299 ROW application was received from Invenergy Solar on July 31, 2013 which closely matched the Luning Solar Energy LLC ROW in terms of project area size and facilities, including the interconnect power line.

The proposed Luning Solar Energy Project (LSEP) is located in the Soda Spring Valley, along the U.S. Highway 95 corridor between Interstate 80, east of Reno, Nevada, and Las Vegas, Nevada. The nearest major town is Hawthorne, Nevada, next to the Hawthorne Army Depot, at the south end of Walker Lake. Hawthorne is approximately 26 highway miles west of the proposed project area. Luning, Nevada, is a small, unincorporated town, near the intersection of U.S. Highway 95 and Nevada State Highway 361, approximately 3 miles south-southwest of the proposed project area. Soda Spring Valley is bordered on the north by the Gabbs Valley Range and the south by the Garfield Hills.

The LSEP would generate up to 50 MW of electricity using ground-mounted photo voltaic solar panels. The project area would be contained on approximately 560-acres of BLM administered public lands. The area is approximately 2-miles wide by one half-mile tall. State Highway 361 bisects the project area with approximately two-thirds on the west side of the highway. Approximately 1-mile of new overhead power line is proposed to connect the solar facility to an existing transmission line owned by Sierra Pacific Power Company (NV Energy). The power line would run from the southeast corner of the project area, in a south-easterly direction, to the Table Mountain substation on the NV Energy transmission line. Some expansion of the substation may be required to connect the new power line, however specific dimensions for the expansion are not available at this time. Expansion of the substation is expected to be minimal and within the ROW for the power line.

Invenergy Solar met with the BLM at the first preliminary meeting in September 2013 to discuss the proposal. Based on the conclusions from the 2009 EA and initial review of the new proposal by BLM resource specialists, no major resource issues were immediately apparent. Therefore, the meeting mainly focused on the information needed in a Plan of Development (POD).

The BLM received a comprehensive POD from Invenergy Solar in October 2013. After reviewing the LSEP POD and comparing it to the proposed action in the 2009 EA, the SFO determined the early coordination goals, with other Federal, State, local, and tribal governments, had been largely met during the earlier NEPA process. The U.S. Fish and Wildlife Service (USFWS), Mineral County Board of Commissioners, Walker River Paiute Tribe, Yomba Shoshone Tribe, and Nevada Natural Heritage Program are listed as agencies and organizations consulted during the preparation of the July 2009 EA. Rather than scheduling a formal preliminary meeting, the SFO ID Team contacted the agencies consulted during the 2009 EA NEPA process to notify them of the new proposal. In addition, the BLM contacted the Nevada Division of State Lands (NDSL) and asked to have the new proposal sent, via electronic notice by the Nevada State Clearinghouse, to state agencies for review.

There are no National Park Service (NPS) or Department of Defense (DoD) administered lands within 14 miles of the proposed project area. The SFO contacted the DoD to provide notification of the new proposal; no conflicts were reported by the DoD. The NPS was not contacted due to there being no NPS administered lands or resources near the project area.

The SFO Field Manager attended the Mineral County Board of Commissioners meeting on February 19, 2014 to notify the board of the new proposal. The agenda item was published in the local newspaper to notify the public of the opportunity to learn about the new proposal and comment. The public had opportunities to comment during the preparation of the previous EA at two board meetings and during public review of the EA document. Neither the board members nor members of the public who attended the February 2014 meeting expressed new issues or resource concerns, therefore an additional formal public meeting was not considered necessary to fulfill the intentions of the variance process.

Tribal consultation initiated for the PEIS has been ongoing and no additional, substantial direct effects on tribal cultural practices, lands, resources, or access to traditional areas of cultural or religious importance, on federally-managed lands, have been identified. Tribes that are most likely to have historical and/or cultural ties to the areas of potential effect have not brought forward cultural or other tribal issues of concern. Thus, tribes were not contacted again during the preliminary notifications of the variance process. The BLM will continue the ongoing tribal consultation during the NEPA process.

## **POTENTIAL RESOURCE CONFLICTS**

Following the preliminary review of the new proposal and consistent with the findings of the 2009 EA, no sensitive resource or BLM land use management objective conflicts were identified. Early coordination with other Federal, State, local, and tribal governments, as-well-as the public, did not reveal conflicts or opposition to the proposal.

Some resource issues which would need to be addressed, should the BLM elect to move forward with the NEPA process, are as follows:

- The proposed project area is within foraging habitat for golden eagles and other raptors. There have been no recent surveys for active nests in the surrounding mountain ranges, therefore the impacts to golden eagles and other raptors could not be accurately determined during preliminary

screening. The USFWS specified a 10-mile nest survey to help determine if the loss of foraging habitat will affect local population levels of golden eagles. Other raptor nests would be documented, especially within one-mile of the project area.

- There is potential for “lake-effect” mortality to migratory birds and bats from impacting solar panels that are mistaken for water bodies. Local populations of the majority of neo-tropical migratory birds are not expected to be affected due to the lack of quality nesting habitat near the project area. Local populations of burrowing owls, a BLM sensitive species, may be affected at a slightly higher level due to the habitat near the project area being more suitable for nesting purposes. The impacts to bats are not expected to be significant due to the lack of foraging and roosting habitat near the project area. The BLM will suggest a Bird and Bat Conservation Strategy (BBCS) be developed by Invenergy Solar to identify potential mitigation measures and adaptive management strategies to reduce potential impacts.
- The LSEP is within the Pilot/Table Mountain grazing allotment. The proposed project would remove 560-acres of grazing area within the allotment. The July 2009 EA stated fencing the project area would remove 11.5 AUM, which is .14 percent of the current permitted use.
- The project area is defined by BLM public land survey system (PLSS) legal subdivisions. If approved, the holder would be responsible for protecting existing survey monuments. In addition, the BLM would work with the holder to conduct and record official surveys of legal subdivisions not currently surveyed.
- The only existing BLM ROW holder within the proposed project area is the Nevada Department of Transportation, which maintains State Highway 361 that runs through the eastern third of the project area. No comments have been received suggesting the proposal would adversely affect the operation of the highway. A solar energy facility would need to be designed and operated so as to not affect the existing operation of the highway.
- Invenergy Solar estimates up to 9.2 acre-feet of water (less than 3 million gallons) would be needed during construction for compaction and dust control. During operation of the plant, panel washes would be scheduled as needed based on project performance and the level of soiling levels on panels. Approximately .75 acre-feet of water (less than 250,000 gallons) would be needed for each washing. Non-potable water for construction and operations would be brought in by 3,500 gallon water trucks from commercial sources. The BLM permits an annual, one day off-highway vehicle race (Best in the Desert – Las Vegas to Reno) which passes near the project area. Dust from the race may precipitate the need to wash some panels following the event, depending on the wind direction.

#### **POSITION OF INTERESTED PARTIES**

Preliminary early coordination with other agencies and tribes indicate the site has a low potential for conflict(s).

The proposed location is not critical habitat for threatened or endangered species, nor BLM-sensitive species or species of concern to the Nevada Department of Wildlife (NDOW). As described previously, surveys for golden eagles and other raptors would be required to determine the impacts to

local populations that use the location to forage or nest. A BBCS would address potential impacts to neo-tropical migratory birds and bats, however developing and adopting a BBCS is not currently a requirement for this type of project.

The NDSL and State Land Use Planning Agency requested that consistent lighting mitigation measures should be required which utilize “Dark Sky” lighting practices. Also, attention should be given to logical placement of improvements and use of appropriate screening and structure colors, to minimizing the proliferation of roads, consolidate disturbances, and reduce visual impacts.

The Mineral County Board of Commissioners is supportive of the proposed LSEP, as they were of the previous project proposed by Luning Solar Energy LLC. Invenergy Solar would need to coordinate with the County to insure local operating permits are secured and local regulations are followed.

Tribes that are most likely to have historical and/or cultural ties to the areas of potential effect have not brought forward cultural issues or other tribal issues of concern.

## **DECISION OPTIONS**

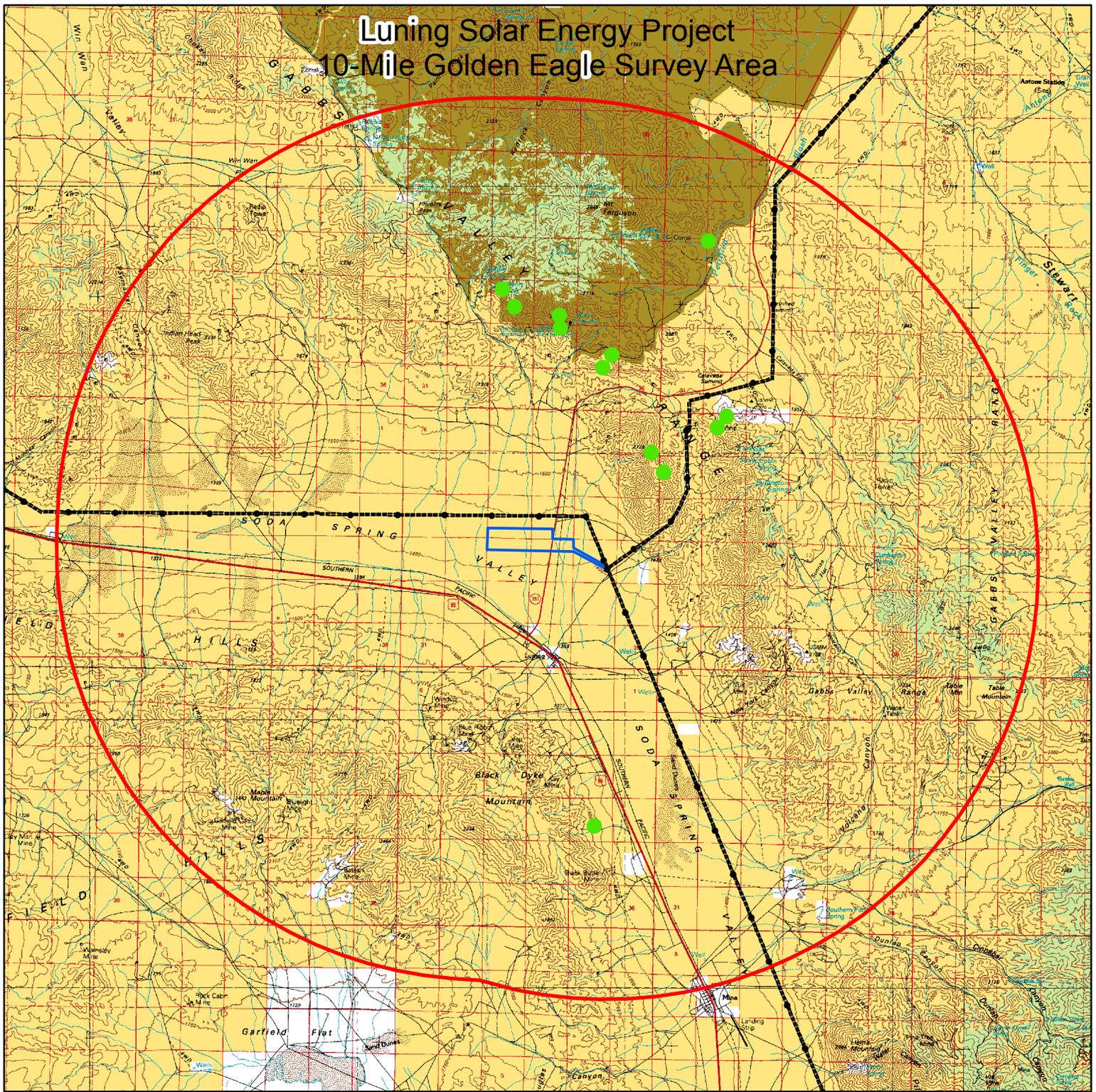
In accordance with the guidance included in the Solar PEIS ROD, concurrence of the BLM Director is required to continue to process a solar energy ROW application in a variance area. There are two potential decisions:

1. Concur with the SFO recommendation to proceed with processing the application for the LSEP.
2. Withhold concurrence and deny the application. Denial of the application is considered a “final agency action” and is appealable to the Interior Board of Land Appeals.

Concurrence will not approve the proposed project. Rather, concurrence would allow for the initiation of the formal NEPA process and preparation of an EA for the proposed project. The potential impacts of the proposed project would be analyzed by an interdisciplinary team of BLM resource specialists through the NEPA process. This analysis would serve as the basis for any decision to approve or deny the proposed project.

### **Attachments**

1. SF-299, Right-of-way application
2. LSEP Plan of Development (POD)
3. Resource maps (Wildlife and regional context maps)
4. Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and Decision Record (DR) for the Luning Solar Energy Right-of-way Grant (July 2009)
5. Luning Solar Energy Project Solar Variance Area Right-of-way Application Review

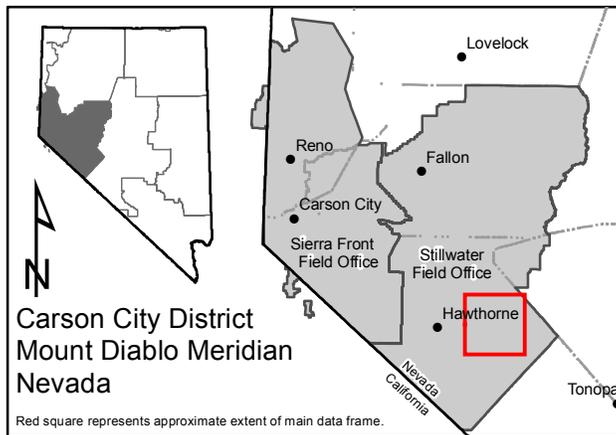
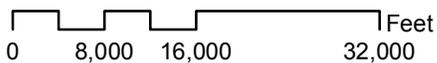


Map created 3/10/2014 by msimons.



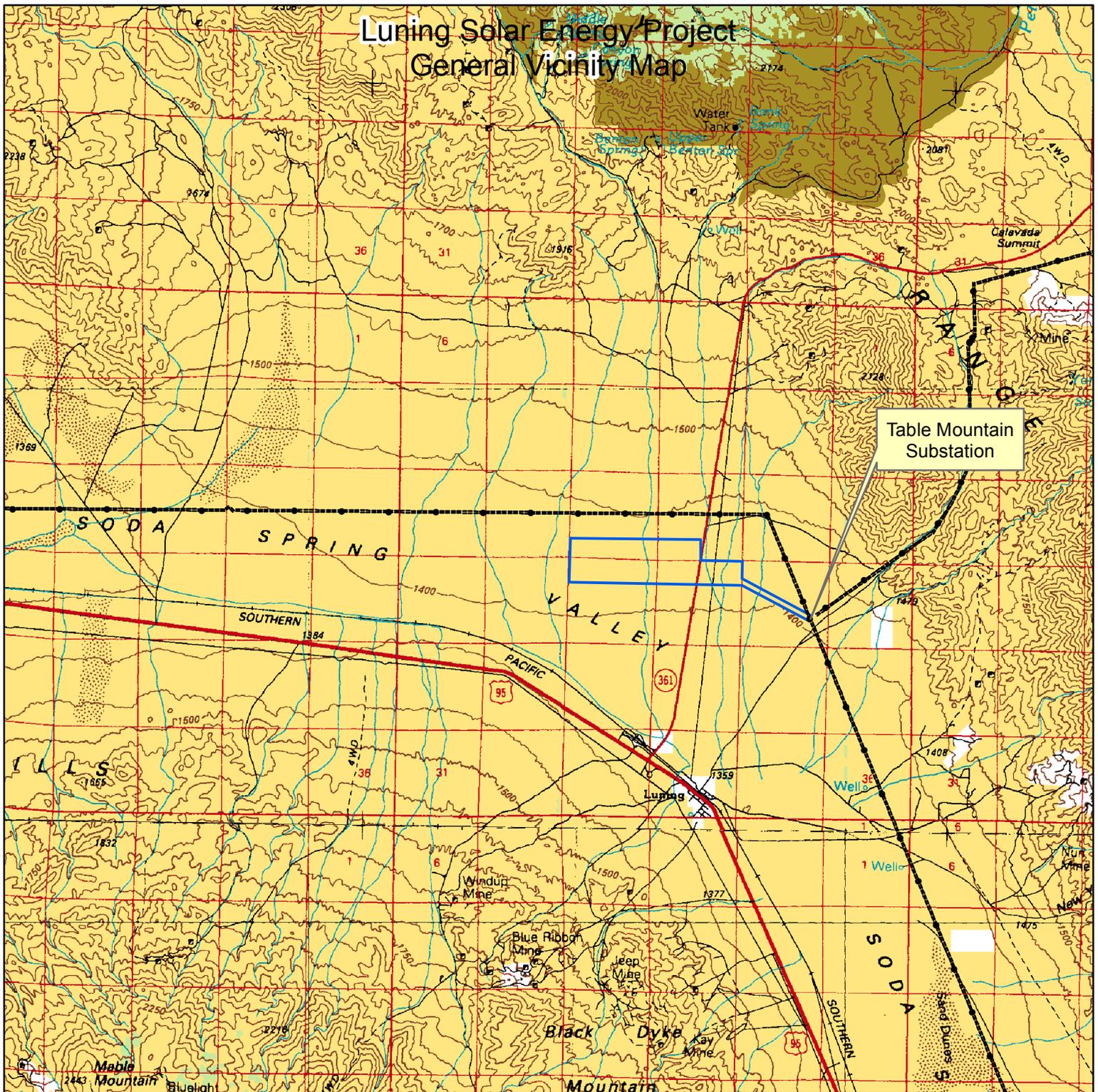
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8 inch by 8 inch data frame represents:  
1:200,000



- Elec. trans. line
- Luning Solar Energy Project
- NDOW Raptor Nest Data Oct 2011
- 10-Mile Golden Eagle Survey Area
- WSA Boundaries**
- Gabbs Valley Range
- Surface Mgmt. Status**
- Bureau of Land Management
- Private
- Electrical transmission lines digitized from aerial imagery.

# Luning Solar Energy Project General Vicinity Map

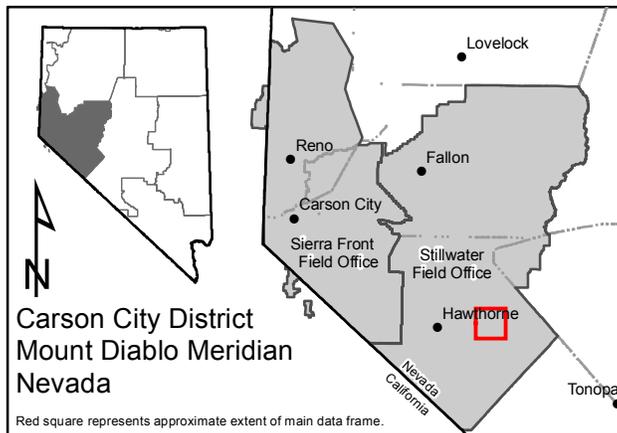
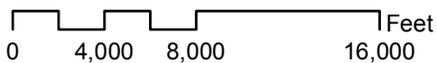


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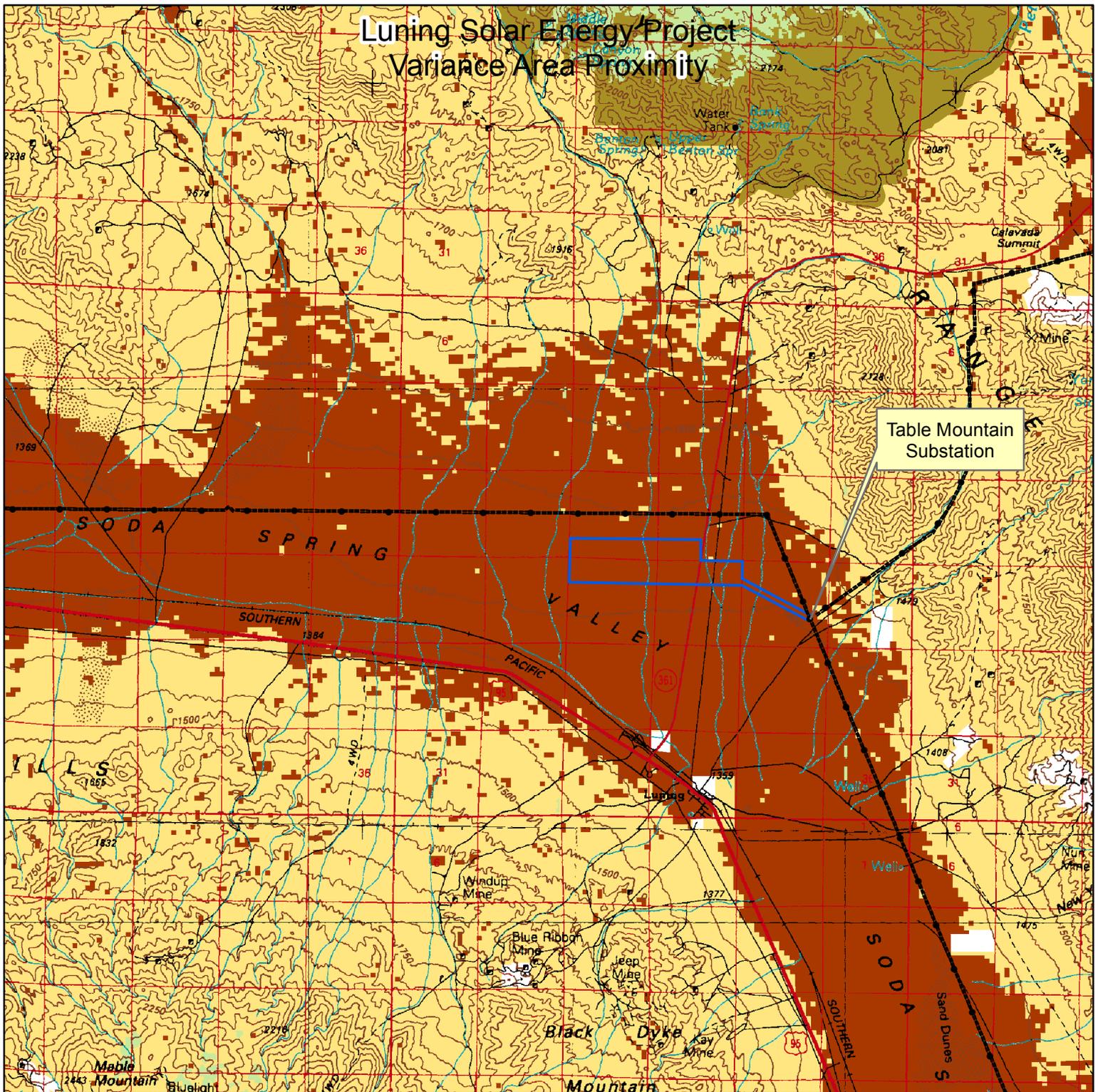


Carson City District  
Mount Diablo Meridian  
Nevada

Red square represents approximate extent of main data frame.

- Elec. trans. line
  - Luning Solar Energy Project
  - Surface Mgmt. Status**
  - Bureau of Land Management
  - Private
  - WSA Boundaries**
  - Gabbs Valley Range
- Electrical transmission lines digitized from aerial imagery.

# Luning Solar Energy Project Variance Area Proximity

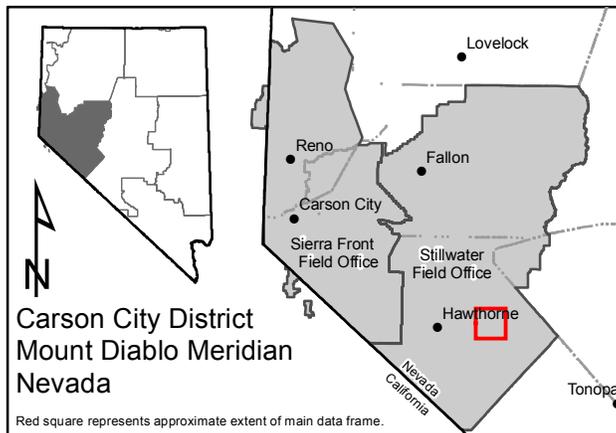
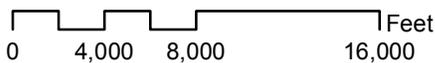


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1:100,000



Carson City District  
Mount Diablo Meridian  
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- Elec. trans. line
- Luning Solar Energy Project
- BLM Variance Area
- WSA Boundaries**
- Gabbs Valley Range
- Surface Mgmt. Status**
- Bureau of Land Management
- Private
- Electrical transmission lines digitized from aerial imagery.

**Luning Solar Energy Project (NVN-092243)**  
**Solar Variance Area Right-of-way Application Review**

Invenergy Solar Development, LLC, (Invenergy) is proposing the development and operation of a photovoltaic (PV) solar power plant with a planned generating capacity of up to 50 megawatts (MW) name-plate capacity.

The project would be located on approximately 560 acres of public land administered by the Bureau of Land Management (BLM), Carson City District Office (CCDO), Stillwater Field Office (SFO), in Mineral County, Nevada. The site is approximately 25 miles east of Hawthorne, Nevada and approximately 95 miles southeast of Carson City, Nevada. The project would require construction of a 1 mile high-voltage transmission line connecting the project to the Table Mountain substation. The facility would be expected to operate for 30+ years.

Invenergy filed a right-of-way (ROW) application (NVN-092243) with the SFO on July 31, 2013, for the Luning Solar Energy Project (LSEP). The SFO previously completed an EA and issued a ROW grant for a similar solar project in the same location in July 2009. The ROW for the previous project was voluntarily relinquished by the holder in January 2013. The new application from Invenergy is identical to the previous ROW application analyzed in the EA in terms of the project area acreage and the route of the power line to connect to the Table Mountain substation.

The preliminary meetings with the BLM, as required by the variance area policy, were held in early July 2013 and September 2013. The company filed a comprehensive plan of development (POD) for the proposed project and a cost recovery agreement was signed on December 17, 2013.

The public meeting required by the variance area policy was held on February 19, 2014 in Hawthorne, Nevada, including the opportunity for the public to comment. The SFO Field Manager decided to complete the public meeting requirement as a part of the monthly meeting of the Mineral County Board of Commissioners. Years of experience processing ROW applications and other land management activities have shown the Mineral County Board meetings to be the most effective way to deliver information to the residents of Mineral County.

As of the 2010 census, Mineral County, Nevada, had a population of 4,772 people, in five communities (Hawthorne, Luning, Mina, Schurz, and Walker Lake) spread over 3,752.84 square miles (1.3 people per square mile). Board members are in close contact with community leaders and maintain an extensive email contact list to notify concerned residents of upcoming agenda items. Over 130 private citizen, company, government, and tribal email addresses were included in the notification email sent by Mineral County on February 13, 2014. The agenda and meeting minutes are available on the Mineral County website; the agenda describes the other locations and media used to notify the public of the meeting.

The following factors were considered in determining whether the LSEP should be approved for additional processing, as identified in the Solar PEIS ROD, Appendix B.5.3:

**1. The availability of lands in a SEZ that could meet the applicant's needs, including adequate access to available transmission.**

The Solar PEIS designated seven SEZs in Nevada. The Millers SEZ is the closest to the proposed LSEP. The Millers SEZ is approximately 45 miles to the southeast, near Tonopah, Nevada.

Invenergy selected the proposed location for the LSEP largely based on the minimal resource conflicts identified in the 2009 EA. The preliminary meetings with the BLM indicated the BLM would still be able to come to a Finding of No Significant Impact (FONSI) after completing a new EA for the LSEP. The project is designed to remain within the same footprint previously analyzed. Sierra Pacific Power Company (NV Energy), which owns the existing 120kV transmission line and Table Mountain substation near the proposed LSEP, completed a System Impact Study in October 2010 and a Facility Study in November 2011 which showed the previous project, also proposed to generate up to 50 MW of solar energy, would have no significant negative impacts from connecting at the Table Mountain substation. A Large Generator Interconnect Agreement was drafted for the previous ROW holder in 2012. NV Energy is currently completing the same studies for the Invenergy proposal.

**2. Documentation that the proposed project will be in conformance with decisions in current land use plans (e.g., visual resource management class designations and seasonal restrictions) or, if necessary, represents an acceptable proposal for a land use plan amendment.**

The Carson City Consolidated Resource Management Plan (CRMP) (2001) is the current land use plan (LUP) covering the location of the proposed LSEP. The proposal is in general conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with Administrative Actions listed on page ROW-4 of the Right-of-way Corridor section and would comply with the Standard Operating Procedures listed on pages ROW-4 through ROW-6.

The location of the proposed LSEP does not have any special designations, such as ACECs, under the CRMP. The CRMP showed the entirety of Mineral County, including the location of the proposed LSEP, as a desert mountain goat area on one of the GIS maps included in the document. The text of the CRMP does not provide an explanation of what a desert mountain goat area is. Both the BLM biologist for the SFO and the Nevada Department of Wildlife (NDOW) say there are no mountain goats in the area. No seasonal restrictions for wildlife species are listed in the document.

The CRMP did not designate a VRM class for the location of the proposed LSEP. The VRI inventory completed for the RMP revision, dated December 16, 2011, lists the area as VRI Class IV. The VRI designation is expected to be the same for the VRM class once the CRMP is revised.

- 3. Documentation that the proposed project will be consistent with priority conservation, restoration, and/or adaptation objectives in best available landscape-scale information (e.g., landscape conservation cooperatives, rapid ecological assessments, and state-level crucial habitat assessment tools).**

The proposed location for the LSEP does not have any priority conservation, restoration, or adaptation objectives that would affect the proposal.

- 4. Documentation that the proposed project can meet applicable programmatic design features adopted in the Solar PEIS.**

The applicant will be required to meet the design features in Appendix A, Section A.4 of the Solar PEIS, as necessary.

- 5. Documentation that the applicant has coordinated with state and local (county and/or municipal) governments, including consideration of consistency with officially adopted plans and policies (e.g., comprehensive land use plans, open space plans, and conservation plans) and permit requirements (e.g., special use permits).**

The applicant has met with Mineral County officials on February 13, 2014 to present the project and determine which local permits would be required. The County is supportive of the project and has expressed their desire to issue a SUP based on the timing needs of the company. No other officially adopted plans or policies are known to affect the location of the proposed LSEP.

- 6. Documentation of the financial and technical capability of the applicant, including but not limited to: (i) the international or domestic experience with solar projects on federal or nonfederal lands; and (ii) sufficient capitalization to carry out development, monitoring, and decommissioning, including the preliminary study phase of the project and the environmental review and clearance process.**

Invenergy Solar is a subsidiary of Invenergy LLC, an international power generation company with projects in North America and Europe, mainly utilizing wind and natural gas resources. Invenergy LLC currently has one 20 MW solar facility in operation in Illinois and two more 10 MW facilities being constructed in Ontario, Canada. Further evidence of financial capability would be demonstrated through the completion of baseline surveys, paying for the BLM to complete a NEPA document, and providing a bond to cover the project.

- 7. Documentation that the proposed project is in an area with low or comparatively low resource conflicts and where conflicts can be resolved (as demonstrated through many of the factors that follow).**

The SFO completed an EA in July 2009 for a similar project in the same location. No major issues were identified and a Finding of No Significant Impact (FONSI) was reached. Current review of the proposal indicates the same outcome would be reached.

The LSEP would be located in foraging habitat for golden eagles and other raptors. The nest survey data available to the SFO during the initial review of the LSEP proposal did not show a large concentration of golden eagles or other raptors in nearby nesting habitat. The survey data was several years old, therefore new surveys for golden eagles and raptors would be required so effects to current populations can be analyzed during processing of the ROW application.

In addition, some neo-tropical migratory bird and bat species could forage and/or fly by the LSEP location. The BLM would suggest a Bird and Bat Conservation Strategy (BBCS) be developed to address potential impacts to neo-tropical birds and bats; a BBCS is not currently required for projects such as the LSEP.

**8. Documentation that the proposed project will minimize the need to build new roads.**

Nevada State Highway 361 runs through the proposed location of the LSEP. The Table Mountain substation has existing road access. Any new roads would be strictly for installing and maintaining solar panel arrays and related infrastructures.

**9. Documentation that the proposed project will meet one or more of the following transmission sub-criteria: (1) transmission with existing capacity and substations is already available; (2) lands are adjacent to designated transmission corridors; (3) only incremental transmission is needed (e.g., re-conductoring or network upgrades and development of substations); or (4) new transmission upgrades or additions to serve the area have been permitted or are reasonably expected to be permitted in time to serve the generation project.**

The proposed LSEP will meet the first two transmission subcriteria:

- Transmission with existing capacity and a substation is already available;
- The project site is adjacent to a designated transmission corridor and within 1 mile of the Table Mountain substation.

The energy generated by the proposed solar project would be delivered to the Table Mountain substation through a new one mile, 120 kV overhead gen-tie power line. The gen-tie line would be within the route analyzed in the 2009 EA and approved in the previous ROW grant.

**10. Documentation that the proposed project will make efficient use of the land considering the solar resource, the technology to be used, and the proposed project layout.**

40-km resolution GIS information from NREL (updated 4/22/2009) shows the proposed location of the LSEP has a solar radiation rating of 6.43 kWh/m<sup>2</sup>/day. The solar radiation rating varies from a high of 7.30 in September to a low of 4.69 in December. The LSEP would generate up to 50-MW of electricity.

The LSEP would use ground-mounted PV technology. The planned footprint of the proposed LSEP is approximately 435 acres (out of 560 acres identified in the application). This footprint translates to 8.7 acres per megawatt capacity, compared with 9 acres per megawatt for PV projects assumed by Chapter 8 of the Solar PEIS. The final project development layout will be designed based on issues identified in the project's scoping phase.

**11. If applicable, documentation that the LSEP will be located in an area identified as suitable for solar energy development in an applicable BLM land use plan and/or by another the related process such as the California DRECP (e.g. Development Focus Area) or Arizona RDEP (e.g., REDAs).**

The proposed location of the LSEP was designated as a variance area in the Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (Solar PEIS). The proposed project location is characterized by the presence of few natural resource and management conflicts and proximity to a transmission line.

The LSEP would be located in foraging habitat for golden eagles and other raptors. The nest survey data available to the SFO during the initial review of the LSEP proposal did not show a large concentration of golden eagles or other raptors in nearby nesting habitat. The survey data was several years old, therefore new surveys for golden eagles and raptors would be required so effects to current populations can be analyzed during processing of the ROW application.

In addition, some neo-tropical migratory bird and bat species could forage and/or fly by the LSEP location. The BLM would suggest a Bird and Bat Conservation Strategy (BBCS) be developed to address potential impacts to neo-tropical birds and bats; a BBCS is not currently required for projects such as the LSEP.

**12. If applicable, special circumstances associated with an application such as an expansion or repowering of an existing project or unique interagency partnership.**

Not applicable to the LSEP.

**13. If applicable, opportunities to combine federal and nonfederal lands for optimum siting (e.g., combining BLM-administered land with adjacent previously disturbed private lands).**

Not applicable to the LSEP.

**14. If applicable, documentation that the proposed project will be located in, or adjacent to, previously contaminated or disturbed lands such as brownfields identified by the EPA's RE-Powering America's Land Initiative (<http://www.epa.gov/renewableenergyland>); mechanically altered lands such as mine-scarred lands and fallowed agricultural lands; idle or underutilized industrial areas; lands adjacent to urbanized areas and/or load centers; or areas repeatedly burned and invaded by fire-promoting non-native grasses where the probability of restoration is determined to be limited.**

Not applicable to the LSEP.

**15. Documentation that the proposed project will minimize adverse impacts on access and recreational opportunities on public lands (including hunting, fishing, and other fish-and wildlife-related activities).**

The proposed LSEP is surrounded on all sides by public lands. Other than State Highway 361, no roads are located in the project area. There are very limited opportunities for hunting and other wildlife-related activities. Public access would not be affected by the LSEP.

**16. Documentation that the proposed project will minimize adverse impacts on important fish and wildlife habitats and migration/movement corridors (e.g., utilizing the Western Wildlife CHAT, administered by the Western Governor's Wildlife Council [<http://www.westgov.org/wildlife/380-chat>] and coordinating with state fish and wildlife agencies).**

The proposed location is not within important fish and wildlife habitat, other than being shown as a desert mountain goat area in the Carson City CRMP. Current review cannot determine why the designation was shown. Mountain goats are not present in Mineral County.

The LSEP would be located in foraging habitat for golden eagles and other raptors. The nest survey data available to the SFO during the initial review of the LSEP proposal did not show a large concentration of golden eagles or other raptors in nearby nesting habitat. The survey data was several years old, therefore new surveys for golden eagles and raptors would be required so effects to current populations can be analyzed during processing of the ROW application.

In addition, some neo-tropical migratory bird and bat species could forage and/or fly by the LSEP location. The BLM would suggest a Bird and Bat Conservation Strategy (BBCS) be developed to address potential impacts to neo-tropical birds and bats; a BBCS is not currently required for projects such as the LSEP.

**17. Documentation that the proposed project will be designed, constructed, and operated to use the best available technology for limiting water use that is applicable to the specific generation technology.**

The choice of PV technology for the proposed project will minimize the amount of water required to support the project. Any use of water for the project will be coordinated with and permitted through the appropriate State and local authorities, including Mineral County and the State of Nevada.

During the construction phase of the project, the overall water consumption is estimated to be less than three million gallons, or approximately 9.2 acre-feet. During the operational phase, approximately one quarter million gallons (.75 acre-feet) of water would be needed to wash the solar panels each time. The frequency of washings would be dictated by the performance of the PV solar panels. All water would be purchased from commercial sources and trucked to the project area.

**18. Documentation that any groundwater withdrawal associated with a proposed project will not cause or contribute to withdrawals over the perennial yield of the basin, or cause an adverse effect on ESA-listed or other special status species or their habitats over the long term. However, where groundwater extraction may affect groundwater-dependent ecosystems, and especially within groundwater basins that have been over appropriated by state water resource agencies, an application may be acceptable if commitments are made to provide mitigation measures that will provide a net benefit to that specific groundwater resource over the duration of the project. Determination of impacts on groundwater will likely require applicants to undertake hydrological studies using available data and accepted models.**

No groundwater withdrawal is anticipated for construction or operation of the project.

**19. Documentation that the proposed project will not adversely affect lands donated or acquired for conservation purposes or mitigation lands identified in previously approved projects such as translocation areas for desert tortoise.**

Not applicable to the LSEP. The project area is not adjacent to or otherwise near any donated or acquired conservation or mitigation lands.

**20. Documentation that significant cumulative impacts on resources of concern should not occur as a result of the proposed project (i.e., exceedance of an established threshold such as air quality standards).**

No significant cumulative impacts on resources of concern are known or anticipated as a result of construction or operation of the proposed project.

**21. Desert Tortoise concerns.**

The proposed location for the LSEP is not in desert tortoise habitat.

**22. Greater Sage-Grouse concerns.**

The proposed location for the LSEP is not in greater sage-grouse habitat.

**23. Protecting Resources and Values of Units of the National Park System and Other Special Status Areas under National Park Service Administration.**

There are no units of the National Park Service near the proposed LSEP.

# Board of MINERAL COUNTY COMMISSIONERS

JERRIE TIPTON, Chairman  
CLIFFORD CICHOWLAZ, Vice Chairman  
PAUL MACBETH, Member

CHERRIE GEORGE, Clerk of the Board

Telephone: 775-945-2446  
Fax: 775-945-0706  
PO Box 1450  
Hawthorne, NV 89415

[mincommissioner@mineralcountynv.org](mailto:mincommissioner@mineralcountynv.org)

GOVERNING BOARD FOR THE TOWNS OF  
HAWTHORNE, WALKER LAKE, LUNING  
AND MINA  
LIQUOR BOARD AND GAMING BOARD  
COUNTY HIGHWAY COMMISSION

**February 12, 2014**

Agenda for the Meeting of the Board of Mineral County Commissioners, the Town Governing Boards for the Towns of Hawthorne, Luning, Mina and Walker Lake, County Liquor Board, County Gaming Board, County Highway Commission, County Health Board, County Licensing Board and the Licensing and Control Board for Houses of Prostitution.

**PLACE OF MEETING:** County Commissioner's Meeting Room, Mineral County Courthouse, First and "A" Street, Hawthorne, Nevada.

**DATE AND TIME OF MEETING:** Wednesday, February 19, 2014 commencing at 9:00 AM If a mid-day recess is necessary the meeting will reconvene at 1:30 PM for completion of the day's agenda.

**NOTIFICATIONS:** (1) Unless otherwise stated or scheduled for a specific time, items may be taken out of the order listed. (2) The Board may combine any two or more items for consideration and/or action. (3) The Board may remove any item or delay discussion relating to any item at any time. (4) The Board may take action on any item scheduled for review or consideration immediately following such review or consideration. (5) Comments from the public will be limited to three (3) minutes per person.

1. **Pledge of Allegiance and Safety Message**
2. **Reports and Correspondence**
3. **Minutes of February 5 and 6, 2014** for review and possible action. (Public comment following.)
4. **Business License Applications** – The following applications will be presented for discussion and possible action with public comment following each application:
  - A. **Donald C. Weaver; Alterations Boutique;** 121 English Street, Hawthorne; New Applicant
  - B. **Merlin J. Hall; Barley's,** 822 Sierra Way, Hawthorne, Change in Ownership/Entity
  - C. **Lonnie E. Fixel; Coit Services of Reno, LLC;** Countywide; New Applicant
5. **Liquor License Applications** – The following applications will be presented for discussion and possible action with public comment following each application:
  - A. **Darlene Doyle; Buffalo Stop;** 847 Frontage Road, Walker Lake; New Applicant (Adding liquor to existing business)
6. **Honorable Stewart Handte, Sheriff** – For consideration and possible action relative to internet access to websites. (Public comment following.)
7. For consideration and possible action relative to solution to the recent loss of communication with the north part of the County/Schurz tower. (Public comment following.)

February 12, 2014

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8. **Courtney Oberhansli, Librarian** – For consideration and possible action relative to appointment of three members to serve on the Library Board of Trustees for a term of 4 years; letters of interest received from Sandra Essenpreis, Sue Banks, Thomas Castagnola and Lynda Miller. (Public comment following.)
9. **Terri Knutson** – For consideration and possible action relative to BLM program updates, including an update on the Luning Solar Project. (Public comment following.)
10. **Honorable Cherrie George, Clerk-Treasurer** – For consideration and possible action relative to opportunity for volume purchase discount for computer and/or software upgrades necessary due to Microsoft's non-support of XP expected early April 2014. (Public comment following.)
11. **Honorable Jerrie Tipton, Commissioner** – for consideration and possible action relative to potential economic impacts to Mineral County on critical habitat designation of the Bi-state Great Sage-grouse to assist Industrial Economics in their analysis of areas proposed as critical but unoccupied areas. (Public comment following.)
12. **Honorable Paul MacBeth, Commissioner** – For consideration and possible action relative to update on the Mineral County Renewable Energy Program. (Public comment following.)

**TIME SPECIFIC ITEMS:**

- 1:30 PM Keith Neville** – For consideration and possible action relative to dumping fees at landfill. (Public comment following.)

**Board of Highway Commissioners**

**Public Comment**

**Commissioner Recognition**

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**NOTE: Persons attending the meeting who are disabled and require special accommodations or assistance are requested to notify the County Clerk's Office, PO Box 1450, Hawthorne, NV 89415 or by calling 945-2446 no later than three (3) days prior to the meeting.**

**In accordance with Federal law and U.S. Department of Agriculture policy, Mineral County is prohibited from discriminating on the basis of race, color, national origin, sex, religion, age, disability (not all prohibited bases apply to all programs). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington DC 20250-9410 or call 800-795-3272 (voice) or 202-720-6382 (TDD). USDA is an equal opportunity provider, employer and lender.**

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**A COPY OF THE AGENDA WILL BE POSTED AT THE FOLLOWING LOCATIONS:**

- Mineral County Independent-News, 420 3<sup>rd</sup> Street, Hawthorne, Nevada
- Mineral County Clerk & Treasurer's Office, Mineral County Courthouse Hawthorne, Nevada
- County Commissioner's Meeting Room, Mineral County Courthouse, Hawthorne, Nevada
- Lobby of the Mineral County Courthouse, Hawthorne, Nevada
- Bulletin Board at the Hawthorne Post Office, Hawthorne, Nevada