

# **LAWS, REGULATIONS, POLICIES, AND PLANS**

## **1.1 Introduction**

The Bureau of Land Management (BLM) has considered and developed the Rough Hat Clark Solar Project Final Resource Management Plan Amendment/Environmental Impact Statement to be consistent with applicable laws, regulations, policies, and plans including but not limited to those listed in this section.

## **1.2 Acronyms and Abbreviations**

Acronyms and abbreviations used throughout this appendix are provided below.

ACHP	Advisory Council on Historic Preservation
BGEPA	Bald and Gold Eagle Protection Act
BLM	Bureau of Land Management
CAA	Clean Air Act
CERCLA	Compensation, and Liability Act and Superfund Amendments and Reauthorization Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
DHS	Department of Homeland Security
EIS	Environmental Impact Statement
EPCRA	Emergency Planning and Community Right-To-Know Act
FEMA	Federal Emergency Management Agency
FLPMA	Federal Land Management and Policy Act
FMP	Fire Management Plan
FMUs	Fire Management Units
GHGs	greenhouse gases
HSPD-7	Homeland Security Presidential Directive 7
MBTA	Migratory Bird Treaty Act
MOU	Memorandum of Understanding
NAAQS	National Ambient Air Quality Standards
NAC	Nevada Administrative Code
NDOT	Nevada Department of Transportation
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NHTs	National Historic Trails
NHTSA	National Highway Traffic Safety Administration
NIPP	National Infrastructure Protection Plan
NPDES	National Pollutant Discharge Elimination System
NDEP	Nevada Department of Environmental Protection
NRS	Nevada Revised Statutes
NTSA	National Trails System Act
OEM	Office of Emergency Management
OSHA	Occupational Safety and Health Administration

PEIS	Programmatic Environmental Impact Statement
PLSSDS	Public Land Survey System Dataset
PRPA	Paleontological Resources Preservation Act
PSD	Prevention of Significant Deterioration
RCRA	Resource Conservation and Recovery Act
ROW	right-of-way
RMP	Resource Management Plan
RWQCBs	Regional Water Quality Control Boards
SARA	Superfund Amendments and Reauthorization Act
SBE	Standards for Boundary Evidence
SDSs	safety data sheets
SIP	State Implementation Plan
SMA	Surface Management Agency
SPCC	Spill Prevention, Control, and Countermeasure
UEPA	Utility Environmental Protection Act
USACE	United States Army Corps of Engineers
USC	United States Code
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
VRM	Visual Resource Management

### 1.3 General

Applicable Plan, Regulation, or Program	Summary
<b>Federal</b>	
National Environmental Policy Act (NEPA)	<p>The National Environmental Policy Act (NEPA) (PL 91-190, 42 United States Code [USC] 4321-4347, January 1, 1970, as amended by PL 94-52, July 3, 1975; PL 94-83, August 9, 1975; and PL 97-258, 4(b), September 13, 1982) requires the federal government to take a “hard look” and to evaluate and disclose the anticipated environmental consequences that would occur if major federal actions are implemented. This analysis includes an articulation of what action is to be considered (the Proposed Action), where it will occur (the affected environment), a reasonable range of alternatives for accomplishing the Project, and a description of the environmental consequences associated with the Project. The purpose of NEPA is to allow the decision maker and the public to have information sufficient to understand the environmental consequences of major federal actions. This information is disclosed in the context of an Environmental Assessment or EIS. NEPA requires identification of resources and evaluation of the environmental consequences associated with the action to approve the Right of Way (ROW) grant requested for construction of the Project.</p> <p>NEPA, as amended, requires analysis of potential environmental impacts to important historic, cultural, and natural aspects of our national heritage (USC, § 431 et seq.; 40 CFR, § 1502.25). NEPA directs federal agencies to use all practicable means to “Preserve important historic, cultural, and natural aspects of our national heritage...” (§ 101(b) (4)). Regulations for implementing the procedural provisions of NEPA are found in 40 CFR 1500 1508.</p> <p>NEPA, 43 USC 4321 et. seq. §§ 101 (b) and 102, requires federal agencies to implement necessary measures to protect scenic quality and aesthetic values,</p>

	including their surroundings, during the land use planning and decision-making process. The BLM issuance of a ROW constitutes a major federal action triggering NEPA compliance.
BLM Handbook H-1601-1 – Land Use Planning Handbook	BLM Manual H-1601-1, Land Use Planning Handbook, provides specific guidance for preparing, amending, revising, maintaining, implementing, monitoring, and evaluating BLM land use plans including the procedures necessary for the NEPA review process.
Geospatial Data Act (GDA) of 2018; Federal Geographic Data Committee (FGDC) Cadastral Subcommittee Cadastral Data Standards, chaired by the BLM Chief Cadastral Surveyor	The Geospatial Data Act (GDA) of 2018 (PL 115-254, 43 United States Code [USC] 2801 et seq., October 5, 2018) requires the BLM to advance geographic information and related geospatial data and activities appropriate to the mission of the BLM, in support of the strategic plan for the National Spatial Data Infrastructure (NSDI). GDA requires, on and after the implementation date, BLM may not use Federal funds for the collection, production, acquisition, maintenance, or dissemination of geospatial data that does not comply with the applicable geospatial data standards established under 43 U.S.C. 2806.
<b>State</b>	
Nevada Revised Statutes (NRS) Chapters 704.820-704.900 – Regulation of Public Utilities Generally	NRS Chapters 704.820-704.900, Nevada Administrative Code (NAC) 704-9359-704.9361, requires renewable energy facilities with a capacity of more than 70 megawatts or electric transmission line that operates at 200 kilovolts or more to obtain a Permit to Construct.
<b>Local</b>	
Clark County Comprehensive Master Plan	The Clark County Comprehensive Master Plan is a long-term, general policy plan for the physical development of unincorporated Clark County, Nevada. The Master Plan includes the following elements: Conservation, Historic Preservation, Housing, Land Use, Public Facilities and Services, Recreation and Open Space, Safety, and Transportation Elements.
Southern Nevada Strong Regional Plan	Regional Transportation Commission of Southern Nevada along with 13 regional partners, administer the Southern Nevada Strong Regional Plan. The purpose of the plan is to develop regional support for long-term economic success and stronger communities by integrating reliable transportation, quality housing for all income levels, and job opportunities throughout Southern Nevada.
Clark County Title 30.16.240, Clark County Special Use Permit	Clark County Title 30.16.240 requires a Special Use Permit from the Clark County Department of Comprehensive Planning for certain development in Clark County, Nevada, such as the Project.
Clark County Title 30.32.040, Clark County Grading Permit	Clark County Title 30.32.040 requires a Grading Permit from the Clark County Civil Engineering and Clark County Building Departments for grading activities in Clark County, Nevada.
Clark County Title 30.32.030, Clark County Building Permit	Clark County Title 30.32.030 requires a Building Permit from the Clark County Department of Comprehensive Planning for the construction of a building or structure in Clark County, Nevada.

### 1.4 Air Quality

Applicable Plan or Program	Summary
<b>Federal</b>	
Clean Air Act of 1963 (CAA)	The primary federal law regulating air quality is the CAA. The CAA requires the U.S. Environmental Protection Act (EPA) to identify National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. National standards are established for ozone (O3), carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), particulate matter 10 and 2.5 (PM10 and PM2.5), and lead (Pb). In 2007, the U.S. Supreme Court ruled that carbon dioxide (CO2) is an air pollutant as defined under the CAA, and that the EPA has authority to regulate greenhouse gas (GHG) emissions. Pursuant to the 1990 CAA Amendments, the EPA classifies air basins (or portions thereof) as in “attainment” or “nonattainment” for each criteria air pollutant, based on whether or not the

	<p>NAAQS are achieved. The classification is determined by comparing monitoring data with State and federal standards.</p> <ul style="list-style-type: none"> <li>• An area is classified as in “attainment” for a pollutant if the pollutant concentration is lower than the standard.</li> <li>• An area is classified as in “nonattainment” for a pollutant if the pollutant concentration exceeds the standard.</li> <li>• An area is designated “unclassified” for a pollutant if there are not enough data available for comparisons.</li> </ul> <p>Section 176(c)(4) of the CAA is the General Conformity Rule and serves to ensure that federal actions do not inhibit State’s attainment plans for areas designated as non-attainment or maintenance. The general conformity rule effectively applies to all federal actions that take place in areas designated as non-attainment or maintenance. De minimis levels, established under the General Conformity Rule, are based on the severity of an area’s air quality problem and establish a threshold for determining if a general conformity determination must be performed. Activities below this threshold level are assumed to have no significant impact on air quality. De minimis levels for hazardous air pollutants (HAPs) and GHGs are not yet defined.</p> <p>The Regional Haze Rule of 1999 (Section 169A of the CAA) (Federal Register 1999) sets standards for visual air clarity in federal Class I areas to improve air quality and visibility in national parks and wilderness areas. Regional haze reduces long-range visibility over a wide region. Under the Regional Haze Rule, states are required to demonstrate reasonable progress toward the “prevention of any future, and the remedying of any existing, impairment in Class I areas which impairment results from manmade air pollution.”</p>
<p>Clean Air Act of 1970, as amended</p>	<p>The United States Environmental Protection Agency (USEPA) is responsible for enforcing the federal Clean Air Act (CAA). The National Ambient Air Quality Standards (NAAQS) were established by the federal CAA of 1970 and amended in 1977 and 1990. As part of its enforcement responsibilities, the USEPA requires each state with non-attainment areas to prepare and submit a State Implementation Plan (SIP) that demonstrates the means to attain the federal standards.</p> <p>On April 2, 2007, the Supreme Court found in Massachusetts v. USEPA that greenhouse gases (GHGs) are air pollutants under the CAA. The USEPA, therefore, has the authority to regulate GHG emissions. The Supreme Court found that the CAA authorizes the USEPA to regulate motor vehicle GHG emissions if the USEPA determines they cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare.</p> <p>Regulations under the CAA (42 USC Chapter 85 [§§ 7401-7671q]; 49 Code of Federal Regulations [CFR] Part 68) are designed to prevent accidental releases of hazardous materials. The regulations require facilities that store a threshold quantity or greater of listed regulated substances to develop a risk management plan that includes hazard assessments and response programs to prevent accidental releases of listed chemicals.</p>
<p>Energy Policy Act of 2005 Section 368</p>	<p>Section 368 of the Energy Policy Act of 2005 sets forth provisions that change the way certain federal agencies coordinate to authorize the use of public land for a variety of energy-related purposes. Section 368 requires the designation of energy corridors on federal lands in 11 western states, including Nevada; the establishment of procedures to ensure that additional corridors are identified and designated as necessary; and to expedite applications to construct or modify oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities.</p>
<p>Prevention of Significant Deterioration</p>	<p>The Prevention of Significant Deterioration (PSD) of air quality regulations are designed to prevent significant deterioration of air quality in areas where existing air quality is better than the national standards (40 CFR 52.21). These regulations apply to a major new source or modification of an existing major source within an attainment or unclassified area. The PSD regulations provide special protection for Class I areas, which include national wilderness areas, national parks, and national memorial parks of specific sizes that are granted special air quality protections under the federal CAA.</p>

BLM Manual MS-7300 – Air Resource Management	BLM Manual MS-7300 sets forth the authority, policy, objectives, program structure, roles and responsibilities for the BLM Air Resource Management Program.
<b>State</b>	
Nevada Ambient Air Quality Standards (AAQS)	The Nevada AAQS are codified in the NAC Chapter 445B Section 22097. The Project must also demonstrate conformance with limits defined under the Prevention of Significant Deterioration (PSD) program. PSD requirements provide maximum allowable increases in pollutant concentrations for areas that are already in compliance with the NAAQS. Certain sensitive areas, defined as Class I areas under the CAA, have a smaller allowable incremental increase in new emissions than Class II and III areas.
NAC 445B - Air Controls	Air pollution is regulated by this chapter. State standards for ambient air, including ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter as PM10 and PM2.5, lead, and hydrogen sulfide, are listed in NAC Chapter 445B.22097.
<b>Local</b>	
Clark County Air Quality Regulations, Clean Air Act of 1977 and amendments (NRS Chapter 321.001, 40 CFR subpart C, 42 USC. 7408-7409	The Project is required to comply with Section 94 of the Clark County Air Quality Regulations, which specify that a Dust Control Permit is required during construction from the Clark County Department of Air Quality and Environmental Management if construction activities impact an area greater than 0.25 acre. The permit must include a Dust Mitigation Plan and appropriate control measures as specified per the regulations.

### 1.5 Biological Resources - Wildlife, Migratory Birds, and Other Special Status Wildlife

Applicable Plan or Program	Summary
<b>Federal</b>	
Las Vegas Resource Management Plan (RMP) (BLM 1998)	The RMP includes management goals and objectives to manage habitats for wildlife species.
BLM Manual 9220 – Integrated Pest Management	BLM Manual 9220 provides guidelines for management of pests.
Migratory Bird Treaty Act (MBTA)	The Migratory Bird Treaty Act (MBTA) (16 USC § 703–712) of 1918 states that it is unlawful to “pursue, hunt, take, capture or kill; attempt to take capture or kill; possess; offer to or sell, barter, purchase, or deliver; or cause to be shipped, exported, imported, transported, or received any native migratory bird, part, nest, egg, or product.” The MBTA is enforced by USFWS and protects all MBTA-listed migratory birds, including their nests and eggs, within the United States from intentional take. Based on recent United States Department of Interior Memorandum, the MBTA has been re-interpreted to allow incidental take for commercial projects; only intentional killing of birds, such as hunting or trapping, can be prosecuted. Special Purpose – Utility Permit shall be acquired for actions that may result in the incidental take, collection, transportation, and temporary possession of migratory birds.
Bureau of Land Management (BLM) Manual 6840, Special Status Species Management	BLM Manual 6840 provides policy and guidance for the conservation of BLM special status species and habitat on BLM-administered lands. BLM special status species are 1) species listed or proposed for listing under the ESA, and 2) species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the ESA, which are designated as sensitive by the State Director(s). All federal candidate species, proposed species, and delisted species in the 5 years following delisting would be conserved as BLM sensitive species.
<b>State</b>	
NRS Chapter 501.105 - Wildlife	This chapter covers administration and enforcement of wildlife resources within the State. The administering agency is the Nevada Department of Wildlife. The establishment of policies for the management of big and small game mammals,

	upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians is provided for in NRS Chapter 501.181.
NRS Chapter 503.597, Introduction or Removal of Aquatic Life or Wildlife; NAC Chapters 503.093 and 503.0935 - Classification and Taking of Wildlife, Special Permit for Handling, Moving, or Temporarily Possessing Protected Wildlife	The desert tortoise and other selected wildlife are protected by NRS Chapter 503.597 and NAC Chapters 503.093 and 503.0935. Upon the written permit of the Department of Wildlife, a person may handle, move, or temporarily possess any wildlife which is classified as protected for the purpose of reducing or eliminating the risk of harm to the wildlife that may result from any lawful activity conducted on land where the wildlife is located. <a href="https://www.ndow.org/apply-buy/apply-buy-slaps/">https://www.ndow.org/apply-buy/apply-buy-slaps/</a>
NRS Chapters 701.610-701.640 – Energy Planning and Conservation Program	NRS Chapters 701.610-701.640 require an application for an energy project as part of the Nevada Department of Wildlife’s Energy Planning and Conservation Program. <a href="https://www.ndow.org/apply-buy/apply-buy-slaps/">https://www.ndow.org/apply-buy/apply-buy-slaps/</a>
NRS Chapters 527.050-527.110, Native Cacti and Yucca Commercial Salvaging and Transportation Permit	NRS Chapters 527.050-527.110 mandates that the removal of any tree, shrub, plant, fern, wildflower, cacti, or desert or montane flora from private lands requires a Native Cacti and Yucca Commercial Salvaging and Transportation Permit from the Nevada Division of Forestry.
NRS Chapters 503.584 to 503.589 - Protection and Propagation of Native Fauna	A program for the conservation, protection, restoration and propagation of selected species of native fish and other vertebrate wildlife, including migratory birds is provided for in these chapters. These statutes provide that the Legislature of Nevada has an interest in protecting native species from extinction and set forth the authority to establish programs to protect designated species. However, if a native species is found to be destructive under the statutes, the statutes provide for removal if appropriate. Under statute, the ultimate responsibility for management rests with the governor for reviewing state programs and entering into interstate and federal agreements.

### 1.6 Biological Resources – Threatened and Endangered Species

Applicable Plan or Program	Summary
<b>Federal</b>	
Endangered Species Act of 1973, as amended	The Endangered Species Act (PL 93-205, as amended by PL 100-478 [USC 1531, et seq.]) defines and lists species as “endangered” or “threatened,” and provides regulatory protection and conservation for listed species. The federal Endangered Species Act provides a program for conservation and recovery of threatened and endangered species. Section 7(a)(2) directs all federal agencies to ensure that any action they authorize, fund, or carryout does not jeopardize the continued existence of an endangered or threatened species or result in the destruction or adverse modification of designated or proposed designated critical habitat for listed species. Consultation under Section 7(a)(2) is required for actions that may affect a federally listed species or destroy or adversely modify designated critical habitat. Section 7(a)(2) includes an Incidental Take Permit in the Biological Opinion.
Bald and Golden Eagle Protection Act (BGEPA)	The Bald and Golden Eagle Protection Act (BGEPA) prohibits the take, defined as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb,” of any bald eagle ( <i>Haliaeetus leucocephalus</i> ) or golden eagle ( <i>Aquila chrysaetos</i> ). The United States Fish and Wildlife Service (USFWS) published the Final Programmatic Environmental Impact Statement (EIS) for the Eagle Rule Revision (USFWS 2016), which addresses BGEPA regulations regarding incidental take permits for bald and golden eagles. The BLM also provides specific guidance for renewable energy projects in their Instructional Memorandum 2010-156, Bald and Golden Eagle Protection Act – Golden Eagle National Environmental Policy Act and Avian Protection Plan Guidance for Renewable Energy.
Bureau of Land Management (BLM) Manual 6840, Special Status Species Management	BLM Manual 6840 provides policy and guidance for the conservation of BLM special status species and habitat on BLM-administered lands. BLM special status species are 1) species listed or proposed for listing under the ESA, and 2) species requiring special management consideration to promote their

	conservation and reduce the likelihood and need for future listing under the ESA, which are designated as sensitive by the State Director(s). All federal candidate species, proposed species, and delisted species in the 5 years following delisting would be conserved as BLM sensitive species.
National Wildlife Refuge System Administration Act of 1966	The National Wildlife Refuge System Administration Act of 1966 provides guidelines for the administration and management of the national wildlife refuge system. Specific areas were identified for designation as the National Wildlife Refuge System. In August 2009, the USFWS completed a Final Comprehensive Conservation Plan and EIS pursuant to the National Wildlife Refuge System Administration Act of 1966 and NEPA. The plan and EIS are programmatic documents that include an analysis of proposed management actions on a conceptual level, except in cases where sufficient information was available to provide project-specific analysis. Management actions addressed in the plan and EIS focus on restoration of and/or visitor services for the refuges.
Las Vegas Resource Management Plan (RMP) (BLM 1998)	The RMP includes management goals and objectives to manage habitats for all special status species to prevent future listings of species, to ensure the recovery of listed species, and to ensure that any federal actions authorized, funded, or carried out are not likely to jeopardize the continued existence of any such species.
BLM Manual 6500 – Fish and Wildlife Conservation	BLM Manual 6500 provides guidance for the wildlife and fisheries program.
BLM Manual 6720 — Aquatic Resource Management	BLM Manual 6720 provides guidance for aquatic resource management.
BLM Manual 6840 – Special-status Species Management	The purpose of BLM Manual 6840 is to provide policy and guidance for the conservation of BLM special-status species and the ecosystems upon which they depend on BLM-administered lands. BLM special-status species are: 1) species listed or proposed for listing under the ESA, and 2) species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the ESA; those in the latter category are designated as BLM sensitive.
Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds	Executive Order 13186, enacted January 10, 2001, directs federal agencies that directly or indirectly affect migratory birds to develop a Memorandum of Understanding (MOU). A 2010 MOU between BLM and USFWS to promote the conservation of migratory birds was entered into in response to Executive Order 13186, entitled “Responsibilities of Federal agencies to Protect Migratory Birds.” The MOU outlines a collaborative approach to promote the conservation of migratory bird populations but does not alter the agencies legal obligations under the MBTA or BGEPA and does not authorize the take of migratory birds.
2011 Revised Desert Tortoise Recovery Plan	The 2011 Revised Desert Tortoise Recovery Plan identifies the action and strategies needed for the recovery of the federally endangered desert tortoise ( <i>Gopherus agassizii</i> ). The plan addresses renewable energy including: <ul style="list-style-type: none"> <li>• Landscape level effects of renewable energy development on the desert tortoise.</li> <li>• This includes identifying how such development may contribute to tortoise habitat loss and/or fragmentation.</li> <li>• The role that desert tortoise translocation may play in mitigating potential impacts to desert tortoises as a result of renewable energy development.</li> <li>• Other ongoing conservation strategies that have run parallel to Plan development (for example, the Desert Renewable Energy Conservation Plan, and the Bureau of Land Management’s Solar Programmatic Environmental Impact Statement) to ensure that desert tortoise recovery moves forward in a well-coordinated manner.</li> </ul>
<b>State</b>	
NAC 527 and NRS Chapter 501	NRS Chapter 501, supplemented by the NAC, is the Nevada State law that covers administration and enforcement of wildlife resources within the state. Chapter 527 gives the Nevada Natural Heritage Commission the ability to protect native flora by listing them on their protected species list.

<p>Nevada Department of Agriculture, NRS and NAC and Title 47, Chapter 527 (Protection and Preservation of Timbered Lands, Trees and Flora) of the Nevada State Code</p>	<p>Removal of cactus and yucca are considered actions regulated by the State under a variety of statutes or codes: NRS Chapter 527.060.120, NAC Chapter 527.060–120, and 22 NAC Chapter 527 generally prohibit removal of cacti and yucca for commercial purposes but have also been interpreted as regulating the wholesale removal of the plants.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### 1.7 Climate Change

Applicable Plan or Program	Summary
<b>Federal</b>	
<p>Energy Act (2020) Section 3104</p>	<p>Directs the Department of the Interior to develop 25 gigawatts of renewable energy on Federal public lands by the year 2025.</p>
<b>State</b>	
<p>NRS Chapter 704 – Regulation of Public Utilities Generally (NRS Chapter 704.7801)</p>	<p>States that “For each provider of electric service, the Commission shall establish a portfolio standard. Except as otherwise provided in subsections 6, 8 and 9, the portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is: [...] (j) For calendar years 2024 through 2026, inclusive, not less than 34 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.”</p>

### 1.8 Cultural Resources

Applicable Plan or Program	Summary
<b>Federal</b>	
<p>Section 106 of the National Historic Preservation Act (NHPA)</p>	<p>Section 106 of the NHPA (54 USC 306108) requires agencies to consider potential effects on historic properties that may result from federal undertakings. A historic property is a cultural resource (historic or prehistoric site, building, structure, district, or object) that meets the eligibility criteria for listing in the NRHP, including artifacts, records, and remains that are related to a district, site, building, structure, or object.</p>
<p>Bureau of Land Management (BLM) 8100 Series Manuals</p>	<p>The BLM has established a cultural resource management program as identified in its 8100 series manuals, including Manual 8100 (<i>The Foundations for Managing Cultural Resources</i>); Manual 8110 (<i>Identifying and Evaluating Cultural Resources</i>); Manual 8130 (<i>Planning for Uses of Cultural Resources</i>); Manual 8140 (<i>Protecting Cultural Resources</i>); Manual 8150 (<i>Permitting Uses of Cultural Resources</i>); and Manual 8170 (<i>Interpreting Cultural Resources for the Public</i>).</p>
<p>NHPA of 1966</p>	<p>Section 106 of the NHPA (54 USC 306108) requires that the federal agency permitting the undertaking “take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register” and provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment. “Effect” is defined in the implementing regulations for Section 106 (36 CFR 800.16(i)) as “alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.” Section 106 requires the lead federal agency to consult with the State Historic Preservation Office, members of the public, affected Native American tribes, and the ACHP throughout the process of identification, evaluation, and resolution of effects. Section 106 compliance is considered satisfied with the execution of a Programmatic Agreement, a legal document that describes the lead federal agency’s (in this case, the BLM’s) process of identifying and evaluating impacts on historic properties and its plans for resolving adverse effects.</p>
<p>Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et seq.)</p>	<p>The Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et seq.) provides a process for federal agencies and museums that receive federal funds to repatriate or transfer from their collections certain Native American cultural items -- human remains, funerary objects, sacred objects and</p>

	objects of cultural patrimony -- to lineal descendants, and to Indian tribes, Alaska Native Corporations, and Native Hawaiian organizations.
National Trails System Act of 1968	<p>The National Trails System Act (NTSA) of 1968 provides for the establishment of a system that includes recreational, scenic, and historic trails. A national historic trail must meet three criteria identified within the NTSA. To qualify as a national historic trail, the trail must be a trail or route established by historic use and must be historically significant as a result of that use, the trail must be of national significance with respect to any of several broad facets of American history, and the trail must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation. The purpose of a national historic trail is the identification and protection of the historic route and the historic remnants and artifacts for public use and enjoyment. A national historic trail is managed in a manner to protect the nationally significant resources, qualities, values, and associated settings of the areas through which such trails may pass, including the primary use or uses of the trail.</p> <p>According to the NTSA of 1968, federal agencies must consider the effects of proposed actions on National Historic Trails (NHTs). The NTSA states that the Secretary charged with administration of the NHT may permit other uses along the trail provided that they do not “substantially interfere with the nature and purpose of the trail” (16 USC 1246). In this regard, “reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established” (16 USC 1246). Easements or ROWs granted by the Secretary of the Interior or Secretary of Agriculture must comply with laws applicable to the national park system and national forest system and conditions established in the easements or rights-of-ways must reflect the policy and purposes of the NTSA (16 USC 1248).</p> <p>NHTs, which are authorized and designated only by an act of Congress, commemorate historically significant routes (i.e., historic routes of exploration, migration, trade, communication, and military action) whose location is known sufficiently to permit public recreation and historical interest. To be designated by Congress, NHTs must follow as closely as possible the actual route of historic use, be of national significance, and have significant potential for public recreation and/or interpretation opportunities (16 USC 1242).</p>
BLM Manual 6250 – National Scenic and Historic Trail Administration	BLM Manual 6250 fulfills the requirements of and achieves the policy and purposes set forth in the NTSA. The manual provides guidance on administering congressionally designated National Trails and describes BLM’s roles, responsibility, agency interrelationships, and policy requirements for National Trail Administrators. The manual also provides guidance on conducting National Scenic or Historic Trail Feasibility Studies.
Section 106 of the National Historic Preservation Act (NHPA)	Section 106 of the NHPA (54 USC 306108) requires agencies to consider potential effects on historic properties that may result from federal undertakings. A historic property is a cultural resource (historic or prehistoric site, building, structure, district, or object) that meets the eligibility criteria for listing in the NRHP, including artifacts, records, and remains that are related to a district, site, building, structure, or object.
Comprehensive Administrative Strategy for the Old Spanish National Historic Trail	Congress added the Old Spanish National Historic Trail to the National Trail System in December 2002. The NTSA requires that a comprehensive plan be developed for all designated NHTs. The 2017 Comprehensive Administrative Strategy for the Old Spanish National Historic Trail was developed to establish the administrative objectives, protocols, processes, and management guidelines necessary to fulfill preservation and public-use goals for the trail.

## 1.9 Environmental Justice

Applicable Plan or Program	Summary
<b>Federal</b>	
Civil Rights Act of 1964 Title VI	Title VI of the Civil Rights Act of 1964 (42 USC § 2000d et seq.) prohibits discrimination on the basis of race, color, or national origin in all programs or activities receiving federal financial assistance.
BLM Handbook 1601-1 – Land Use Planning Handbook (BLM 2005)	Handbook 1601-1 provides supplemental guidance to the BLM for considering socioeconomic and environmental justice in land use planning. The handbook requires the BLM to identify socioeconomic conditions and environmental justice communities, estimate the effects of activities on these resources, and identify measures that may reduce or avoid potential effects.
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, (59 FR 7629), as supplemented and/or amended by Executive Order 14008, Tackling the Climate Crisis at Home and Abroad; Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act; Executive Order 14082, Implementing of Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022; and Executive Order 14096, Revitalizing Our Nation’s Commitment to Environmental Justice for All	<p>Executive Order 12898, enacted February 16, 1994, focuses federal attention on the environment and human health conditions of minority and low-income communities and calls on agencies to achieve environmental justice as part of its mission. The order requires the USEPA and all other federal agencies to develop strategies to address this issue as part of the NEPA process. The agencies are required to identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations, defined by the following:</p> <ul style="list-style-type: none"> <li>• The minority population of the affected area exceeds 50%, or the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis (Council on Environmental Quality [CEQ] 1997).</li> <li>• A low-income population is a community or a group of individuals living in geographic proximity to one another, or a set of individuals such as migrant workers or American Indians, who meet the standards for low income and experience common conditions of environmental exposure or effect (CEQ 1997).</li> </ul> <p>Executive Order 14008, enacted January 2021, pursues actions to be taken at home and abroad in order to tackle climate change. Executive Order 14008 focuses on protection of clean air and water and requires agencies to make achieving environmental justice part of their missions by developing programs, policies, and activities to address disproportionately high and adverse human, health, environmental, climate-related, and other cumulative impacts on disadvantaged communities.</p> <p>Executive Order 14052, enacted November 15, 2021, requires an investment in infrastructure to help rebuild roads, bridges, and rails; expand access to clean drinking water; work to ensure access to high-speed internet; tackle the climate crisis; advance environmental justice; and invest in disadvantages communities. Executive Order 14052 requires that 40 percent of the overall benefits from Federal investments in climate and clean energy flow to disadvantaged communities.</p> <p>Executive Order 14082, enacted November 15, 2021, focuses on accelerating the United States as a global leadership in clean energy innovation, manufacturing, and deployment in a way that cuts consumer energy costs, creates well-paying union jobs and sustainable and equitable economic opportunity, advances environmental justice, and addresses the climate crisis. Executive Order 14082 aims to improve public health and advance environmental justice and economic opportunity for frontline communities who are disproportionately affected by cumulative exposure to industrial and energy pollution.</p> <p>Executive Order 14096, released on April 21, 2023, focuses on pursuing a whole-of-government approach to environmental justice. A new definition of environmental justice is provided and the three types of environmental justice communities are expanded to include communities with environmental justice concerns. Guidance on Implementing Executive Order 14096 is in preparation.</p>

### 1.10 Land Use and Realty

Applicable Plan or Program	Summary
<b>Federal</b>	
Federal Land Policy and Management Act (FLPMA) (43 USC 1701 <i>et seq.</i> )	<p>The Federal Land Management and Policy Act (FLMPA) of 1976, as amended, (Public Law [PL] 94-579; 43 USC 1761–1771; FLPMA sec. 501(a)(4), 43 CFR 2800) governs the manner in which public lands are managed. This act, also known as the BLM “organic act”, establishes the agency’s “multiple-use mandate to serve and protect future generations”. The concept of “multiple-use” management is defined within the act (43 USC 1702) as “management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people.”</p> <p>Section 201 of FLPMA (43 USC 1711) requires that ROW grants on Federal lands shall be in accordance with preparation and maintenance on a continuing basis an inventory of all public lands and their resources through ascertainment of the boundaries of the public lands.</p> <p>Section 302 of FLPMA and other applicable laws and regulations pursuant to 43 Code of CFR 2900 provide the BLM the authority to issue leases and permits for the use, occupancy, and development of public lands. Leases and permits are issued for both commercial and noncommercial uses, including croplands, apiaries, commercial filming, harvesting, temporary or permanent facilities for commercial purposes, construction equipment storage sites, assembly yards, oil rig stacking sites, energy facilities, and water pipelines and well pumps related to irrigation and non-irrigation facilities. Issuance of leases and permits is a discretionary action.</p> <p>Section 503 of FLPMA directs the Secretary of the Interior to designate right-of-way (ROW) corridors to minimize adverse environmental impacts and the proliferation of separate ROWs, promote ROWs in common, and reserve to the Secretary the right to grant additional ROWs for compatible uses. The FLPMA mandates the management of public lands including the identification and protection of their scenic quality and values (43 USC 1701 <i>et. seq.</i>; §§ 102 (a)(8), 103 (c), and 201 (a)). ROW grants on federal lands must contain terms and conditions that would minimize damage to scenic quality and aesthetic values (Section 505 (a)).</p>
BLM Resource Management Plan (RMP) Amendments/Record of Decision (ROD) for Solar Energy Development in Six Southwestern States (Western Solar Plan) (BLM 2012b)	The Solar Energy Program provides guidance for the processing of all new utility-scale solar energy ROW applications on BLM-administered lands. The program emphasizes and incentivizes development within special solar energy zones (SEZs) and outlines a collaborative process for identifying additional SEZs where solar energy development may occur. The program also allows for responsible utility-scale solar energy development in variance areas, that are located outside SEZs in accordance with the established variance process.
Section 368 of the Energy Act (2005)	Section 368 of the 2005 Energy Policy Act of 2005, titled “Energy Right-of-Way Corridors on Federal Land,” establishes minimum requirements for management of individual energy transportation projects and designates energy transport corridors for oil, gas, and hydrogen pipelines as well as electricity transmission and distribution on federal lands. The policies and Interagency Operating Procedures developed under Section 368 apply to energy corridor 224/225 (North Pahrump/U.S. Route 95 [U.S. 95] to Las Vegas/Ivanpah Valley) along the Clark County/Nye County border, Nevada.
Wild Free-Roaming Horse and Burro Act of 1971	The Wild Free-Roaming Horse and Burro Act of 1971, and the 4700 series of the CFR, require the BLM to protect wild horses and burros as well as manage herd populations and health in a manner to achieve certain objectives. The primary management efforts are focused on maintaining rangeland health in Herd Management Areas.
BLM Las Vegas RMP (BLM 1998)	In accordance with the FLPMA, the BLM uses RMPs to provide management direction and adapt to changing resource and use demands, balanced with compliance with other federal, State, and local laws and policy. The 1998 Las

	Vegas RMP (BLM 1998) remains the primary management document for the Yellow Pine Solar Project in accordance with FLPMA.
Executive Order 13855 - Promoting Active Management of America’s Forests, Rangelands, and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk	Executive Order 13855 directs the Interior and Agriculture departments to actively manage forests to reduce the risk of wildfires.
Secretarial Order 3372 - Reducing Wildfire Risks on Department of the Interior Land through Active Management	Secretarial Order 3372 sets out a series of deadlines to "identify and remove" environmental hurdles for forest management projects, identify salvage logging projects and begin other measures aimed at reducing wildfire risks.
Federal Wildland Fire Management Policy	<p>The Federal Wildland Fire Management Policy was developed in 1995 and updated in 2001 by the National Wildfire Coordinating Group, a federal multi-agency group that establishes consistent and coordinated fire management policy across multiple federal jurisdictions. An important component of the Federal Wildland Fire Management Policy is the acknowledgement of the essential role of fire in maintaining natural ecosystems. The Federal Wildland Fire Management Policy and its implementation are founding on the following guiding principles:</p> <ol style="list-style-type: none"> <li>1) Firefighter and public safety is the first priority in every fire management activity.</li> <li>2) The role of wildland fire as an essential ecological process and natural change agent will be incorporated into the planning process.</li> <li>3) Fire management plans, programs, and activities support land and resource management plans and their implementation.</li> <li>4) Sound risk management is a foundation for all fire management activities.</li> <li>5) Fire management programs and activities are economically viable, based upon values to be protected, costs, and land and resource management objectives.</li> <li>6) Fire management plans and activities are based upon the best available science.</li> <li>7) Fire management plans and activities incorporate public health and environmental quality considerations.</li> <li>8) Federal, state, tribal, local, interagency, and international coordination and cooperation are essential.</li> <li>9) Standardization of policies and procedures among federal agencies is an ongoing objective.</li> </ol>
Department of Defense Clearinghouse, Nellis Air Force Base	Consultation is required for projects that may have a potential conflict with military use, which is not applicable to the Project.
Wilderness Act of 1964 Section 2	The Wilderness Act of 1964 defines wilderness characteristics, the uses of wilderness, and the activities prohibited within its boundaries. Wilderness areas are managed for public use and enjoyment in a manner that will leave them unimpaired for future use and enjoyment as wilderness, for their protection, and to preserve their wilderness character. Congress established the National Wilderness Preservation System to ensure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States. Wilderness designation is intended to preserve and protect certain lands in their natural state. Only Congress, with presidential approval, may designate areas as wilderness.
Wild and Scenic Rivers Act of 1968 Section 5	The Wild and Scenic Rivers Act of 1968 was created to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. Section 5(d)(1) of the Wild and Scenic Rivers Act directs federal agencies to consider the potential for national wild, scenic, and recreational river areas in all planning for the use and development of water and related resources. River segments are deemed eligible if they are free-flowing and possess one or more outstandingly

	remarkable values, including scenic, recreational, geological, fish and wildlife, historical, cultural, or other river-related values.
DOI Manual 600 Chapter 5, Standards for Federal Lands Boundary Evidence	DOI Manual 600 Chapter 5 provides procedures for management of land boundaries of Federal interest lands to improve transaction and project review services for managers of Federal resources and assets.
BLM Manual 1613 – Areas of Critical Environmental Concern	BLM Manual 1613 provides criteria to evaluate relevance and importance of land to determine whether designation as an Area of Critical Environmental Concern in a Resource Management Plan (RMP) is appropriate.
BLM Manual 6310 – Conducting Wilderness Characteristics Inventory on BLM Lands	BLM Manual 6310 provides guidance for conducting wilderness characteristics inventories under Section 201 of FLPMA.
BLM Manual 6320 – Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process	BLM Manual 6320 provides guidance for BLM land use and planning decisions related to lands with wilderness characteristics.
BLM Manual 6330 – Management of Wilderness Study Areas	BLM Manual 6330 provides procedures for management and protection of Wilderness Study Areas to preserve wilderness characteristics so as not to impair the suitability of such areas for designation by Congress as wilderness.
BLM Manual 6340 – Management of Designated Wilderness Areas	BLM Manual 6340 provides general policies for the administration and management of BLM Wilderness Areas designated by Congress.
BLM Manual 6400 – Wild and Scenic Rivers – Policy and Program Direction for Identification, Evaluation, Planning, and Management	BLM Manual 6400 contains policies and guidance for the identification, evaluation, planning, and management of eligible and suitable wild and scenic rivers and the management of designated components of the National Wild and Scenic Rivers System.
<b>State</b>	
Nevada Department of Transportation (NDOT)	The NDOT provides jurisdiction and maintenance of State Route (SR) 160.
Utility Environmental Protection Act	The Utility Environmental Protection Act (UEPA) was enacted in 1971 to address environmental issues related to the construction of utility facilities. UEPA permits granted by the Public Utilities Commission of Nevada apply to: <ul style="list-style-type: none"> <li>• Conventional power plants</li> <li>• Renewable energy power plants rated over 70 Megawatts (nameplate)</li> <li>• Electric transmission facilities rated over 200 kilovolts</li> <li>• Gas transmission lines and associated facilities</li> <li>• Water transmission lines and associated facilities</li> <li>• Sewer transmission and treatment facilities</li> </ul>

### 1.11 Native American Concerns

Applicable Plan or Program	Summary
<b>Federal</b>	
Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et seq.)	The Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et seq.) provides a process for federal agencies and museums that receive federal funds to repatriate or transfer from their collections certain Native American cultural items -- human remains, funerary objects, sacred objects and objects of cultural patrimony -- to lineal descendants, and to Indian tribes, Alaska Native Corporations, and Native Hawaiian organizations.

### 1.12 Public Health and Safety

Applicable Plan or Program	Summary
<b>Federal</b>	
Comprehensive Environmental Response, Compensation, and Liability	Comprehensive Environmental Response, Compensation, and Liability Act and Superfund Amendments and Reauthorization Act (CERCLA) (42 USC § 9601),

<p>Act and Superfund Amendments and Reauthorization Act (42 USC § 9601)</p>	<p>also known as Superfund, created a tax on the chemical and petroleum industries to provide for response and cleanup of hazardous substances that may endanger public health or the environment. CERCLA established requirements for the treatment of abandoned hazardous waste sites and provided for liability of persons responsible for releases of hazardous waste at these sites.</p>
<p>CERLA - The Superfund Amendments and Reauthorization Act (42 USC § 103)</p>	<p>The Superfund Amendments and Reauthorization Act (SARA) (42 USC § 103) amended CERCLA to increase state involvement and required Superfund actions to consider state environmental laws and regulations. The applicable part of SARA for the Gemini Solar Project is Title III, otherwise known as the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) (42 USC §§ 11004-11049). EPCRA establishes requirements for federal, state, and local governments, as well as Indian Tribes and industry members, regarding emergency planning and reporting on hazardous and toxic chemicals.</p>
<p>U.S. Hazardous Materials Transportation Act (49 USC 5901)</p>	<p>The U.S. Department of Transportation (USDOT), in conjunction with the USEPA, is responsible for enforcement and implementation of federal laws and regulations pertaining to transportation of hazardous materials. The Hazardous Materials Transportation Act of 1974 (49 USC §§ 5101- 5127) directs the USDOT to establish criteria and regulations regarding the safe storage and transportation of hazardous materials. 49 CFR Parts 171–180 regulate the transportation of hazardous materials, the types of material that are defined as hazardous, and the marking of vehicles transporting hazardous materials.</p>
<p>Resource Conservation and Recovery Act (42 USC § 6901 et seq.)</p>	<p>RCRA (42 USC § 6901 et seq.), enacted in 1976, governs the management and disposal of solid and hazardous waste. Congress enacted RCRA to address the increasing problems the nation faced from its growing volume of municipal and industrial waste. RCRA amended the Solid Waste Disposal Act of 1965. It set national goals for:</p> <ol style="list-style-type: none"> <li>1) Protecting human health and the natural environment from the potential hazards of waste disposal</li> <li>2) Promoting conservation of energy and natural resources</li> <li>3) Reducing the amount of waste generated, through source reduction and recycling</li> <li>4) Ensuring the management of waste in an environmentally sound manner.</li> </ol> <p>RCRA set standards for the treatment, storage, and disposal of hazardous waste in the United States.</p> <p>The USEPA has published waste management regulations, which are codified in Title 40 CFR Parts 239 through 282. Regulations regarding management of hazardous waste begin in Part 260. As noted below, RCRA statute authorizes states to carry out many of the functions of the federal law through their own hazardous waste programs if such programs have been approved by the USEPA.</p> <p>Subtitle C directs the USEPA to establish controls on the management of hazardous wastes from their point of generation, through their transportation and treatment, storage and/or disposal.</p> <p>Because RCRA requires controls on hazardous waste generators (i.e., sites that generate hazardous waste in the first place), transporters, and treatment, storage, and disposal facilities (i.e., facilities that ultimately treat and/or dispose of or recycle the hazardous waste), (40 CFR Parts 260 through 264) the overall regulatory framework has become known as the “cradle to grave” system. The program exacts stringent recordkeeping and reporting requirements on generators, transporters, and operators of treatment, storage and disposal facilities handling hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Amendments, which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.</p>
<p>Federal Toxic Substances Control Act of 1976 (15 USC §§ 2601–2629)</p>	<p>The Federal Toxic Substances Control Act of 1976 (15 USC §§ 2601–2629) and The Resource Conservation and Recovery Act (RCRA) established a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste.</p>

Occupational Safety and Health Act of 1970 (29 CFR 1910)	The Occupational Safety and Health Administration (OSHA) administers the Occupational Safety and Health Act (29 USC § 651), which requires special training of handlers of hazardous materials, notification to employees who work in the vicinity of hazardous materials, and acquisition from the manufacturer of safety data sheets (SDSs). SDSs provide workers and emergency response personnel with information about potentially harmful materials and procedures for safe handling of them in the workplace. OSHA Occupational Health and Safety Standards (29 CFR § 1910) outlines specific occupational health and safety standards, including but not limited to standards for exit routes and emergency planning, machinery and hand-held equipment, materials handling and storage, environmental controls, and medical and first aid. The Act requires the training of employees for hazardous substance handling, storage, and disposal, and for remediation of any hazardous material accidental releases (29 CFR § 1910.120). Additional training regarding the use of personal protective equipment is required under the OSHA Hazard Communication requirements.
Oil Pollution Prevention regulation (40 CFR 112)	The Oil Pollution Prevention regulation (40 CFR 112), published under the authority of the Clean Water Act (CWA), sets forth requirements for the prevention of, preparedness for, and response to oil discharges at specific non-transportation-related facilities. The regulation requires these facilities to develop and implement Spill Prevention, Control, and Countermeasure (SPCC) Plans and establishes procedures, methods, and equipment requirements. Facilities with above ground storage tanks holding oils of any kind may be subject to the SPCC regulation.
BLM Manual 620 DM 1 – Wildland Fire Management	BLM Manual 620 DM 1 updates the policies and program principles for the Wildland Fire Management Program.
BLM Manual MS-1112 – Safety	BLM Manual MS-1112 sets forth the policies, minimum requirements, and roles and responsibilities for establishing and implementing a Safety and Occupational Health Management Program in the BLM.
BLM Manual MS-1170 provides policies and guidance on emergency management.	BLM Manual MS-1170 provides policies and guidance on emergency management.
BLM Manual 9211 – Fire Planning	BLM Manual 9211 provides overall objectives, authorities, responsibilities and policies for fire management planning in the BLM.
BLM Manual MS-9200 – Fire Program Management	BLM Manual MS-9200 provides consistent fire program management direction and guidance to BLM users and managers. The objective of this direction and guidance is to guide the philosophy, direction and implementation of fire management planning, activities and projects on BLM lands, and to ensure compliance with Federal wildland fire management policy.
BLM Manual MS-9214 – Fuels Management and Community Assistance	BLM Manual MS-9214 provides responsibilities for reviewing and reporting on fuel treatment effectiveness. Community assistance undertakes and supports activities that improve and sustain both community and individual responsibilities to adapt to, prepare for, and respond to wildfire.
BLM Manual MS-9238 – Fire Trespass	BLM Manual MS-9238 provides policy for unauthorized use of fire on or threatening lands administered by the Bureau of Land Management.
BLM Fire Management Plan	<p>The Southern Nevada District Office fire management program provides comprehensive fire response to areas managed by multiple field offices including the Red Rock/Sloan, Las Vegas, and Pahrump Field Offices, as well as multiple jurisdictions through agreements with interagency partners. The BLM Fire Management Plan (FMP) for the Southern Nevada Fire Planning Unit addresses fire suppression, prescribed fire, non-fire fuel treatments, and community assistance and education on every acre of burnable vegetation under BLM administrative jurisdiction within the Field Office. The FMP also identifies objectives and strategies to improve wildfire prevention and suppression, reduce hazardous fuels, restore fire adapted ecosystems, and promote community assistance.</p> <p>The Southern Nevada Fire Planning Unit is composed of Fire Management Units (FMUs), which are specific land management areas defined by fire management objectives, fire management objectives, management constraints, topographic features, access, values to be protected, political boundaries, fuel types, and</p>

	major fire regime groups. The FMUs are assigned a classification to define its primary resource management objective and fire protection values. The Project site is located within the NV050-01 Tortoise – Moderate Density FMU, which is classified as High Value Habitat.
<b>State</b>	
NRS Chapter 444 - Sanitation	Regulations for the management of solid waste are contained here.
NRS Chapters 459.400 to 459.856 - Hazardous Substances	Transportation, handling, storage, cleanup and disposal of hazardous substances are regulated.
NAC Chapter 445A.347 - Release of Hazardous Substance	Protocols for the event of a hazardous substance release to the soil or groundwater are provided here.
NAC Chapter 618 - Occupational Safety and Health	Workers constructing and operating the Project are protected by the Occupational Safety and Health laws.
<b>Local</b>	
Clark County Hazardous Materials Emergency Response Plan	The Clark County Hazardous Materials Emergency Response Plan, prepared by the Clark County Local Emergency Planning Committee, provides guidance for hazardous materials emergency response in accordance with The SARA Title III, “Emergency Planning and Community Right-to Know.” The responsibility of implementing the plan begins immediately upon the notification of authorities by any person discovering a hazardous materials release.
Clark County Fire Code	The Clark County Fire Code stipulates minimum requirements to prevent fire risk from storage, handling, or use of dangerous materials, or other hazardous conditions such as in buildings.

### 1.13 Recreation

Applicable Plan or Program	Summary
<b>Federal</b>	
Federal Land Policy and Management Act (FLPMA) (43 USC 1701 <i>et seq.</i> )	The FLPMA provides the authority for BLM land use planning. It requires that public lands be managed in a manner that would protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; and that, where appropriate, the BLM would preserve and protect certain public lands in their natural condition. Section 201 of FLPMA requires BLM to prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values, which includes wilderness characteristics. Section 202 of FLPMA authorizes BLM to manage, as established through the land use planning process, for the protection of recreational and wilderness values.
BLM Manual 6280 – Management of National Scenic and Historic Trails and Trails Under Study or Recommended as Suitable for Congressional Designation	BLM Manual 6280 states that NEPA analysis for a Proposed Action must (1) be able to identify reasonable alternative project locations with potentially less or no adverse impact, (2) document the resources, qualities, values, associated setting, and primary uses that support the nature and purposes for which the trail was designated, and (3) assess potential impacts to the landscape elements of potentially affected designated NHTs (e.g., OSNHT). The BLM Manual 6280 requires an inventory and analysis in order to: <ul style="list-style-type: none"> <li>• Make informed decisions regarding proposed uses within National Trail areas.</li> <li>• Identify opportunities to safeguard the nature and purposes of National Trails.</li> <li>• Allocate the resources, qualities, values, and associated settings and the primary use or uses of the trail during land use planning (NTSA and FLPMA).</li> <li>• Establish a National Trail Management Corridor through the land use planning process.</li> <li>• Identify the area of potential adverse impact for proposed actions, until such time as a National Trail Management Corridor is established.</li> </ul>

	Recommend possible Federal Protection Components (high potential historic sites and high potential route segments) for inclusion within updates to the trail-wide Comprehensive Plan.
BLM Manual 8353 – Trail Management Areas – Secretorially Designated National Recreation, Water, and Connecting and Side Trails	BLM Manual 8353 fulfills the requirements of and achieves the policy and purposes set forth in the NTSA. The manual provides guidance on identification, evaluation, and recommendation of qualifying trails for designation. The manual also provides guidance on preparation of application packages to nominate recommended trails for designation as National Recreation Trails and Connecting and Side Trails.
Executive Order 11644 – Use of Off-road Vehicles on the Public Lands	Executive Order 11644 issued on February 8, 1972, establishes policies and provides for procedures to ensure control and direction of off-road vehicle use on public lands. The executive order seeks to protect resources on public lands, promote safety of all users on public lands, and minimize conflicts among various uses on public lands.
<b>State</b>	
NRS Chapter 407 - State Parks and Monuments	The state of Nevada has the authority to designate state-controlled land as a state park, monument, landmark, or recreational area based on their historic, cultural, scenic, or recreational values. The Nevada Division of State Parks manages the state park system.

### 1.14 Socioeconomics

Applicable Plan or Program	Summary
<b>Federal</b>	
BLM Handbook 1601-1 – Land Use Planning Handbook (BLM 2005)	Handbook 1601-1 provides supplemental guidance to the BLM for considering socioeconomics and environmental justice in land use planning. The handbook requires the BLM to identify socioeconomic conditions and environmental justice communities, estimate the effects of activities on these resources, and identify measures that may reduce or avoid potential effects.

### 1.15 Soils and Paleontology

Applicable Plan or Program	Summary
<b>Federal</b>	
CWA Section 401 and 402	National Pollutant Discharge Elimination System Stormwater Permit Program (33 USC 1342) discharges to Waters Permit, Groundwater Discharge Permit, and CWA section 401 Water Quality Certification.
BLM Soil, Water and Air Management Manuals (7000 series)	The BLM 7000 Series of manuals (MS-7240, Water Quality Manual; MS-7250, Water Rights Manual; and MS-7300, Air Resource Management) establish policy, provide guidelines, lay out management structure and responsibilities, and provide direction for the management of soil, water, and air resources on lands under BLM administration.
Farmland Protection Policy Act (FPPA) (7 USC 4201)	The FPPA is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It ensures that to the extent possible federal programs are administered to be compatible with State, local, and private programs and policies to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every 2 years. The FPPA does not authorize the Federal Government to regulate the use of private or non-federal land or, in any way, affect the property rights of landowners.
Paleontological Resources Preservation (PRP) Act of 2009	The PRP was signed into law as part of the Omnibus Public Lands Management Act (OPLMA) of 2009. The OPLMA-PRP requires the Secretary of the Interior to manage and protect paleontological resources on federal land using scientific

	<p>principles and expertise and requires federal agencies to develop appropriate plans for inventorying, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. Where possible, these plans should emphasize interagency coordination and collaborative efforts with non-federal partners, the scientific community, and the general public. The OPLMA-PRP is the authority for federal land managing agencies for permits to collect paleontological resources, as well as curation of these resources in an approved repository. It provides authority for the protection of significant paleontological resources on Federal lands including criminal and civil penalties for fossil theft and vandalism.</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### 1.16 Transportation and Traffic

Applicable Plan or Program	Summary
<b>Federal</b>	
Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards (40 CFR Parts 2, 59, 60, 80, 86, 87, 600, 1030, 1031, 1033, 1036, 1037, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, 1066, 1068, and 1090)	On December 20, 2022, EPA adopted a final rule that sets stronger emissions standards to further reduce air pollution, including pollutants that create ozone and particulate matter, from heavy-duty vehicles and engines starting in model year 2027.
Light-Duty Vehicle Standards	In collaboration with the NHTSA, the USEPA finalized the program to reduce GHG emissions and improve fuel economy for light-duty vehicles to reduce GHGs in 2010 and then extended the project in 2012. Standards include fuel economy targets and improvements in vehicle technologies including improved vehicle aerodynamics, reduced vehicle weight, lower tire rolling resistance, and expanded production of electric and hybrid vehicles.
BLM Manual MS-1170 – Emergency Management	BLM Manual MS-1170 provides policies and guidance on emergency management.
<b>State</b>	
NRS Chapters 408.423, 408.210, and NAC 408; NDOT Permitting Requirements	State Route 160 is maintained by the NDOT. General permits include NDOT permits for overdimensional vehicles, shorter overweight vehicles, longer combination vehicles, and overdimensional vehicles requiring pilot car escort. NRS Chapters 408.423 and 408.210 and NAC 408 requires a ROW Occupancy Permit for any construction that would take place within an NDOT ROW.
NAC Chapter 484 - Traffic Laws	Regulations for the equipment of vehicles, transportation of loads, and permitting vehicles in Nevada are provided in NAC Chapters 484.010 through 484.580.
<b>Local</b>	
Clark County Emergency Management Plan	<p>The Clark County Office of Emergency Management (OEM) is responsible for disaster planning and emergency management coordination. The OEM is the lead and point of coordination for public safety projects in Clark County, including emergency management planning, preparation activities, response support coordination during emergencies and coordination of recovery programs following emergencies. The Clark County Emergency Management Plan, implemented by the OEM, outlines the concept of operations, organizational plan, and responsibilities for management and coordinating the occurrence or immediate threat from natural or made-made causes. The plan provides guidance for the government of Clark County, local jurisdictions, the private sector, non-governmental organizations, and the public involved in the management of incidents, emergencies, or disasters within the geographic boundaries of Clark County, Nevada.</p> <p>The Clark County Local Emergency Planning Committee, under the OEM, implements the Hazardous Materials Emergency Response Plan for Clark County, Nevada. The Hazardous Materials Emergency Response Plan provides guidance for hazardous materials response and is the basis for future planning and training. Recommendations and suggestions made by local government</p>

	officials, industry representatives, emergency managers, environmental organizations, and members of the public actively concerned with hazardous materials preparedness, response, and prevention have been incorporated into the plan.
Regional Transportation Plan 2013-2035	The Regional Transportation Plan is a comprehensive and long-range plan for the transportation system in the Las Vegas metropolitan area. It details the transportation investment needed between now and the year 2035 for road, transit, and bicycle/pedestrian projects.

### 1.17 Vegetation and Noxious Weeds

Applicable Plan or Program	Summary
<b>Federal</b>	
Federal Noxious Weed Act	The Federal Noxious Weed Act (7 USC 2801 and 2814) mandates that in the event an environmental assessment or EIS under NEPA requires the implementation of plant control agreements, federal agencies shall complete such assessment within 1 year of the requirement.
BLM Las Vegas Resource Management Plan (RMP) (Clark BLM 1998)	BLM Las Vegas Field Office RMP management objectives for vegetation include the following objective: VG1 – Maintain or improve the condition of vegetation on public lands to a Desired Plant Community or to a Potential Natural Community.
BLM Manual 524 DM 1 – Invasive Species Policy	BLM Manual 524 DM 1 lays out the authorities for invasive species management, including, but not limited to: Executive Order 13112 Invasive Species, Plant Protection Act of 2000; Noxious Weed Control and Eradication Act of 2004, and Federal Insecticide, Fungicide, and Rodenticide Act.
BLM Handbook H-1740-2 – Integrated Vegetation Management	BLM Handbook H-1740-2 describes and clarifies agency expectations for a more consistent and unified approach to managing vegetation on public land. It further clarifies multi-program goals, objectives and priorities relative to maintaining and restoring ecologically diverse, resilient and productive native plant communities.
BLM Manual MS-5714 – Seeding	BLM Manual MS-5714 provides guidelines and standards for reforestation by artificial seeding.
BLM Manual MS-5716 – Protective Measures	BLM Manual MS-5716 provides standards and guidelines for protecting seedling and sapling size stands from animals, insects, and disease.
BLM Handbook H-9011-1 and BLM Manual 9011 - Chemical Pest Control	BLM Handbook H 9011-1 and Manual 9011 provide guidelines for use of chemicals related to management of pests.
BLM Manual 9015 – Integrated Weed Management	BLM Manual 9015 provides guidelines for management of invasive plant species and weeds.
BLM Las Vegas Field Office Noxious Weed Plan	The Noxious Weed Plan was prepared to provide guidance for an active integrated weed management program using best management practices. The BLM-managed land in southern Nevada is impacted by invasive, non-native plants. These species outcompete native plants and displace them as well as increasing wildland fires in areas infested by cheatgrass/red brome.
<b>State</b>	
NRS Chapters 527.270-527.300 - Protection of Selected Species of Native Flora	Selected species of native flora are protected; a special permit by the State Forester Firewarden is required for removal or destruction of any plant species declared to be threatened with extinction.
NRS Chapters 555 - Control of Insects, Pests and Noxious Weeds	Preventing the spread of noxious weeds is regulated by implementing inspections, establishing weed control districts, controlling nursery stock, and managing the application of pesticides. Every person owning, controlling, or occupying lands in the State of Nevada is required to control all weeds designated as noxious as provided in NRS Chapter 555.130.

### 1.18 Visual Resources

Applicable Plan or Program	Summary
<b>Federal</b>	
Federal Land Policy and Management Act (FLPMA) (43 USC 1701 <i>et seq.</i> )	The FLPMA (43 USC 1701 <i>et seq.</i> ) provides the authority for BLM land use planning. It requires that public lands be managed in a manner that would protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; and that, where appropriate, the BLM would preserve and protect certain public lands in their natural condition.
Advisory Circular 70/7460-1L	Advisory Circular 70/7460-1L sets forth standards for marking and lighting obstructions that have been deemed to be a hazard to air navigation.
BLM Manual H-8410-1 – Visual Resource Inventory	Visual values are identified through the Visual Resource Management (VRM) inventory in accordance with BLM Manual 8410 and are considered with other resource values in the RMP process. Visual management objectives are established in the RMP in conformance with the land use allocations made in the plan. Specific objectives provide the standards for planning, designing, and evaluating future management projects. The VRM system provides a means to identify visual values; establish objectives through the RMP process for managing these values; and to provide timely inputs into proposed surface disturbing projects to ensure that these objectives are met.
BLM Handbook H-8431-1 – Visual Contrast Rating	The contrast rating system, identified in BLM Manual 8431, provides a systematic way to evaluate proposed projects and determine whether projects conform with the approved VRM objectives. It also provides a means to identify mitigating measures that can be taken to minimize adverse visual impacts.
BLM Back Country Byways Program	The BLM Back Country Byways Program was developed as a component of the National Scenic Byway Program. BLM scenic byways highlight the spectacular nature of western landscapes.  BLM scenic byways complement the National Scenic Byway Program by focusing on scenic corridors along major primary and secondary highways. BLM Back Country Byways focus primarily on corridors along backcountry roads with high scenic, historic, archaeological, or other public interest values. The roads may vary in width from a single-track bike trail to a low-speed, paved road that traverses backcountry areas, and access on the road may be year-round or limited to a few months. BLM byways must go through a nomination and designation process. Byways are designated through adoption of an RMP or RMP amendment, or by completing a site-specific environmental assessment.

### 1.19 Water Resources

Applicable Plan or Program	Summary
<b>Federal</b>	
CWA of 1972 (33 USC 1344)	The CWA of 1972 and subsequent amendments, under the enforcement authority of the USEPA, were enacted “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” The CWA gave the USEPA the authority to implement pollution control programs, such as setting wastewater standards for industry. It also set water quality standards for surface waters and established the National Pollutant Discharge Elimination System (NPDES) program to protect water quality.  Section 404 of the CWA authorizes the United State Army Corps of Engineers (USACE) to regulate the discharge of dredged or fill material to waters of the U.S. and adjacent wetlands. USACE issues individual site specific or general (Nationwide) permits for such discharges.  Under Section 402 of the CWA, discharge of contaminants to navigable waters is prohibited unless the discharge is in compliance with a NPDES permit. Implementation and enforcement of the NPDES program is conducted through

	the State Water Resources Control Board and the nine Regional Water Quality Control Boards (RWQCBs).
Executive Order 11990	Executive Order 11990, Protection of Wetlands, directs federal agencies to 1) provide leadership and to take action to minimize the destruction, loss, or degradation of wetlands; 2) preserve and enhance the natural and beneficial values of wetlands; and 3) avoid undertaking or providing assistance for new construction in wetlands unless there are no practicable alternatives to such construction and the Proposed Action includes all practicable measures to minimize harm to wetlands. There are no wetlands in the Project area; therefore, this regulation is identified but is not further discussed.
Federal Emergency Management Agency (FEMA)/Floodplains	FEMA identifies flood hazard areas throughout the United States by identifying and mapping Flood Hazard Boundary Maps, Flood Insurance Rate Maps, and Flood Boundary and Floodway Maps. Flood hazard areas are commonly identified on these maps, including Special Flood Hazard Areas, or Zone A areas, which are defined as land that would be inundated by a flood having a 1% chance of occurring in any given year (previously referred to as the base flood or 100-year flood). Development may take place within these areas if development complies with local floodplain management ordinances, which must meet the minimum federal requirements.
National Flood Insurance Program and National Flood Insurance Act of 1968	Title 44 CFR Part 63 implements section 1306(c) of the National Flood Insurance Act of 1968. The Act provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is subject to imminent collapse or subsidence as a result of erosion or undermining caused by flows exceeding anticipated cyclical levels. Guidelines were established for states to obtain the approval of the Federal Insurance Administrator to make these certifications and prescribes the procedures and data requirements. In addition, Title 44 CFR Part 65 provides guidelines for mapping of special hazard areas. The supporting data for a revision of base flood evaluation determinations by performing new hydrologic and hydraulic analysis and delineation of new floodplain boundaries is required to be submitted to the FEMA for review.
Executive Order 11988 – Floodplain Management (42 FR 26951)	Executive Order 11988, enacted May 24, 1977, requires federal agencies to avoid adverse impacts associated with occupancy and modification of flood plains, to the extent possible.
<b>State</b>	
NRS Chapters 445A.300 to 445A.730 - Nevada Water Pollution Control Law	This Law establishes Nevada’s compliance with the federal CWA described above.
NRS Chapters 532 to 538 – Groundwater Basin Regulations	These chapters of the NRS establish the role of the State Engineer in adjudication and appropriation of water rights in the state, including beneficial uses, restrictions, and approval processes for issuance and transfers of water appropriations.
NRS Chapter 533.372 - Appropriation of Public Waters	Based upon the public interest and the economic welfare of the State of Nevada, the State Engineer may approve or disapprove any application of water to beneficial use or any application which contemplates a change in the place or beneficial use of water to a use involving the industrial purpose of generating energy to be exported out of this state.
NAC Chapter 445A - Water Controls	Standards for water quality are listed by region in Chapters 445A.11704 through 445A.2234. Regulations for water permits are provided in Chapters 445A.228 through 445A.272. On-site sewage disposal system regulations are provided in Chapters 445A.950 through 445A.9706.
State of Nevada Division of Water Resources Nevada Floodplain Management Program	The Floodplain Management Program consists of the Community Assistance Program, flood mitigation assistance, and flood hazard mapping assistance to communities.
Nevada Division of Forestry Wildland Fire Protection Program	The Wildland Fire Protection Program allows the State to provide financial assistance with wildland fire costs, increased suppression resources and coordination, incident management assistance, and technical expertise to

	participating counties during a wildfire. The Division also operates under cooperative agreements with federal agencies and other states.
<b>Local</b>	
Uniform Regulations for the Control of Drainage (Chapter 15.0)	The regulation establishes the Hydrologic and Design Criteria Manual to provide a minimum standard for analysis and design of storm drainage facilities within the Clark County Regional Flood Control District jurisdiction. Provision of the minimum standard assures that all drainage facilities are consistent in design and construction and provides an integrated system which acts to protect the public health, safety, comfort, convenience, welfare, property and commerce. A Drainage Study is required from the Clark County Regional Flood Control District as part of the Special Use Permit process.
FEMA Map Review and Clark County Uniform Regulations for Control of Drainage map review	The Clark County Uniform Regulations for Control and Drainage requires that a drainage study is approved for the construction of a new facility on 2-acres of land or larger in Clark County, Nevada.