RECORD OF DECISION

Rough Hat Clark Solar Project

Casefile Number: NVNV105839715
Legacy Casefile Number: NVN-099406
DOI-BLM-NV-S010-2022-0063-RMP-EIS

January 2025

Prepared by

United States Department of the Interior
Bureau of Land Management
Las Vegas Field Office
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130

Table of Contents

List of Appendices

List of Tables

List of Acronyms and Abbreviations

ACEC	Area of Critical Environmental Concern
BESS	battery energy storage system
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
DOI	Department of the Interior
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FLPMA	Federal Land Policy and Management Act
gen-tie	generation tie-lines
MW	megawatt
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
N.R.S.	Nevada Revised Statute
O&M	operation and maintenance
OHV	off-highway vehicle
POD	Plan of Development
PV	photovoltaic
RMP	Resource Management Plan
RMPA	Resource Management Plan Amendment
ROD	Record of Decision
ROW	right-of-way
SHPO	State Historic Preservation Office
SR	State Route
USACE	United States Army Corps of Engineers
USC	United States Code
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
VRM	Visual Resource Management
Western Solar Plan	BLM's 2012 Approved Resource Management Plan Amendments/ROD for Solar Energy Development in Six Southwestern States

1.0 Executive Summary

This document constitutes the Record of Decision (ROD) of the United States Department of the Interior (DOI), Bureau of Land Management (BLM), regarding Candela Renewables, LLC's (Applicant) application for a right-of-way (ROW) grant for the Rough Hat Clark Solar Project (Project) and associated amendment to the Las Vegas Resource Management Plan (RMP) of 1998, as amended (1998 Las Vegas RMP). This decision is supported by the analysis included in the Final Environmental Impact Statement (Final EIS) and Proposed Resource Management Plan Amendment (RMPA) that was published on November 1, 2024. The Final EIS analyzed the Applicant's Proposed Action, one action alternative to the Proposed Action, and the No Action Alternative. It was prepared by the BLM pursuant to the requirements under the Federal Land Policy and Management Act (FLPMA), National Environmental Policy Act (NEPA), and other applicable laws.

This ROD documents two decisions:

- First, it approves the issuance of a FLPMA Title V ROW grant to the Applicant to construct, operate, maintain, and decommission a solar facility analyzed in the Final EIS/Proposed RMPA.

- Second, it amends the Visual Resource Management (VRM) Class III objective in the 1998 Las Vegas RMP to a VRM Class IV objective within a designated 9,960-acre area of BLM-managed lands, to allow for management activities that require major modifications of existing landscape character.

The decisions in this ROD reflect careful consideration and resolution of the issues identified in the Project's Final EIS/Proposed RMPA, which were thoroughly analyzed during the environmental review process. This decision best fulfills the BLM's statutory mission and responsibilities.

2.0 Introduction

The Applicant applied to the BLM's Las Vegas Field Office for a ROW to construct, operate, maintain, and eventually decommission a proposed solar facility and interconnection to the regional transmission system on public land. The Project would include an approximately 400-megawatt (MW) alternating current solar photovoltaic (PV) power generating facility, an up-to-700 MW battery energy storage system (BESS), and associated transmission interconnection infrastructure and access road facilities. The Project would be located on approximately 2,469 acres of BLM-managed public land in the Pahrump Valley in Clark County, Nevada, immediately adjacent the county line, southeast of the town of Pahrump, and approximately 38 miles west of the city of Las Vegas. Because the proposed project would not be in conformance with the 1998 Las Vegas RMP, the BLM also considered amending the 1998 Las Vegas RMP.

In accordance with FLPMA, public lands are generally managed for multiple uses in a manner that accounts for a combination of balanced and diverse resource uses that consider the long-term needs of future generations for renewable and non-renewable resources. The BLM is authorized to grant ROWs on public lands for systems of generation, transmission, and distribution of electrical energy. Taking into account the BLM's multiple-use and sustained yield mandates, the BLM's purpose and need for this action was to respond to the ROW application submitted by the Applicant under Title V of FLPMA (43 United States Code (USC) § 1761) (serial number NVNV105839715, Legacy casefile N-99406) to construct, operate, maintain, and decommission the Project in compliance with FLPMA, DOI NEPA

regulations, BLM ROW regulations, the BLM NEPA Handbook, and other applicable federal and state laws and policies.

Under FLPMA, the BLM was required to decide whether to deny the proposed ROW, grant the ROW, or grant the ROW with modifications. The BLM would decide whether to include terms, conditions, and stipulations it determined to be in the public interest and may include modifying the proposed use or changing the location of the proposed facilities (43 CFR Subpart 2805).

The Final EIS/Proposed RMPA for this Project was published on November 1, 2024.

On December 20, 2024, the BLM issued a ROD and approved resource management plan amendments for utility-scale solar energy development (Updated Western Solar Plan, https://eplanning.blm.gov/public_projects/2022371/200538533/20125356/251025336/Solar%20PEIS%20ROD_Vol%201_Final%2012.19.2024.pdf) which update and expand the BLM's prior programmatic solar plan (the 2012 Western Solar Plan, or Solar Programmatic Environmental Impact Statement (PEIS)), and amend land use plans in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. For solar project applications under review prior to issuance of the Updated Western Solar Plan, the BLM established criteria (Updated Western Solar Plan ROD Section 3.1.3) to define how the Updated Western Solar Plan applies to solar project applications that are currently under review by the BLM.

Section 3.1.3.1 of the Updated Western Solar Plan ROD explains:

> "Fully exempt project applications are not subject to decisions made in [the Updated Western Solar Plan] ROD to (1) allocate lands as exclusion or avoidance areas or (2) require the design features identified in Appendix B of [the Updated Western Solar Plan] ROD. A project application qualifies as fully exempt if either of the following apply:
>
> - The BLM published a Draft EIS or environmental assessment (EA) by August 30, 2024; or
>
> - The BLM issued a decision authorizing a ROW grant or lease before the date of [the Updated Western Solar Plan] ROD."

The Rough Hat Clark Solar project is fully exempt from the decisions outlined in the Updated Western Solar Plan because the BLM issued a Draft EIS on January 12, 2024 (see also Updated Western Solar Plan ROD Appendix D). Therefore, for the purposes of this Rough Hat Clark Solar ROD, the BLM will continue to reference the 1998 Las Vegas RMP and the 2012 Western Solar Plan as the approved land use plans to ensure land use plan conformance (43 C.F.R. 1601.0-5(b)).

3.0 Overview of Alternatives

3.1 Alternatives Fully Analyzed

The Final EIS/Proposed RMPA evaluated three alternatives relating to the proposed Project. They are summarized below, and a complete description of the Proposed Action and the alternatives can be found in Chapter 2 of the Final EIS/Proposed RMPA, including maps and the alternatives considered but eliminated from detailed analysis.

1. **Proposed Action:** The Proposed Action includes construction, operation and maintenance (O&M), and decommissioning of an approximately 400 MW alternating current solar PV power generating

facility with an up-to-700 MW BESS on approximately 2,469 acres of BLM-managed public land. The Project's primary components include PV solar arrays; BESS; linear and ancillary facilities, including access roads, electrical distribution lines, and communication cables; O&M facilities; a substation and a 230-kilovolt (kV) generation tie-line (gen-tie) into the existing Gridliance Trout Canyon Substation; acceleration and deceleration lanes and access road on Nevada Department of Transportation ROW; and an auxiliary and telecommunications line to feed distribution-level electricity and telecommunications to construction offices, O&M building, and substation from the existing distribution line north of State Route 160. The Proposed Action involves two types of site preparation: 1,301 acres of clear and cut/drive and crush (identified as D-2 by the BLM) and 649 acres of clear and cut with soil removal including grading (identified as D-3 by the BLM), representing approximately 53 percent and 26 percent of the application area, respectively. Approximately 519 acres (21 percent) of the 2,469-acre application area would be avoided.

2. **Alternative 1 – Resources Integration Alternative.** The Resources Integration Alternative addresses not only construction, but also operations, maintenance, and decommissioning of the solar facility. The intent of the Resources Integration Alternative is to minimize disturbance to vegetation and soils within the solar facility by setting maximum allowable disturbance thresholds during construction, setting restoration goals, and requiring advanced planning for access throughout the panel arrays. The main differences between the Proposed Action and the Resources Integration Alternative include:

    - **Fencing Design.** The entire Project site would be fenced to meet site security and energy regulatory requirements during construction and operation. Wildlife access holes (10 inches tall by 12 inches wide) would be installed in the permanent outer perimeter security and tortoise fencing would be installed where these fences are not shared with or bordering those of adjacent solar facilities. The bottom of the access holes would be set at 5 inches from the ground to facilitate access into and out of the facility for general species and would be installed within the bottom-half center of a 10-foot by 4-foot screen or tarp secured to the fence in order to increase visual recognition for wildlife.
    - **Grading Limits.** Grading construction methods for specific facilities are allowed, but there would be a maximum disturbance threshold on total grading (including for spot grading within panel array blocks). Grading would be limited to 21 percent of the total development areas.
    - **Maintains 60 percent of Perennial Vegetation in Panel Array Blocks.** A maximum disturbance threshold, using perennial vegetation density as a metric, would be established across each panel array block. This threshold would not include areas that are graded within the panel array block. If more than 40 percent of the existing perennial vegetation density is permanently impacted within each block of panel arrays, restoration would be required to restore perennial vegetation on-site. In other words, at least 60 percent of perennial vegetation density within these areas would have to be maintained post-construction.
    - **Access Management Plan.** Requires BLM approval of an Access Management Plan prior to any work authorized by a Notice to Proceed. The Access Management Plan would have to include access planning and management for internal travel within panel arrays during construction, operations and maintenance, and decommissioning. The Plan would have to be designed to minimize impacts from vehicle traffic throughout the lifetime of the project. Adherence to this Plan would be required as part of compliance for the project.
    - **Construction Methods.** The Project would be constructed primarily using construction methods that minimize disturbance to topography, soils, and vegetation. Specifically, the Resources Integration Alternative would implement development methods that include overland travel (identified by the BLM as D-1), as this construction method is less intensive than grading or disc and roll methods and is expected to improve the retention of native vegetation, wildlife habitat, soils, seed banks, and biological soil crusts while minimizing air quality (fugitive dust) and water quality impacts. Disturbance acreages associated with the

Resources Integration Alternative include 926 acres (47 percent of the development area) of overland travel (D-1), 617 acres (31 percent of the development area) of clear and cut/drive and crush (D-2), and 406 acres (21 percent of the development area) of clear and cut with soil removal. Approximately 491 acres of the application area would be avoided.

3. **No Action Alternative.** Under the No Action Alternative, the BLM would not issue a ROW grant or amend the 1998 Las Vegas RMP. The Project would not be constructed, and existing land uses on the Project site would continue. The BLM would continue to manage the land consistent with the 1998 Las Vegas RMP.

The Proposed Action and Alternative 1 – Resources Integration Alternative include an RMPA to the 1998 Las Vegas RMP to modify the existing VRM Class III area to VRM Class IV. BLM regulations require that all actions and authorizations conform to the approved RMP (43 CFR 1610.5-3(a)). If a specific project cannot be modified sufficiently to conform to the RMP, then the RMP may be amended so that the project can then achieve that required conformance (43 CFR 1610.5-3(c)).

The Proposed Action and the action alternative cannot be modified sufficiently to conform to VRM Class III. Public lands designated as VRM Class III are managed "for partial retention of the existing character of the landscape. In these areas, authorized actions may alter the existing landscape, but not to the extent that they attract or focus attention of the casual viewer (BLM, 1998a)." BLM anticipates that some of the degree of contrast from the Project would be strong, which does not conform to the Class III objectives. The objectives of VRM Class IV allow activities involving major modification of the landscape's existing character; authorized actions may create significant landscape alterations and would be obvious to casual viewers.

The BLM is proposing to amend the 1998 Las Vegas RMP to modify the VRM classification of the project area from Class III to Class IV. The proposed project components would be compatible with VRM Class IV management objectives and therefore in conformance with the RMP, as amended. The planning area for the RMPA is the Southern Nevada District Office boundary, and the VRM Class areas designated under the 1998 Las Vegas RMP. The VRM amendment in relation to the VRM Classes in the Southern Nevada District Office boundary are shown in Appendix A.

Based on information received during the variance and scoping processes for the Project, and the potential for indirect and cumulative effects to visual resources, BLM is proposing to modify the VRM Class III designated lands south of State Route 160 and west of Tecopa Road to the town of Pahrump, Nevada (see Figure 1 in Appendix A). This area would encompass approximately 9,960 acres of BLM-administered lands. The proposed VRM amendment covers a broader area than just the boundary of the Proposed Action and the action alternative. The area in the proposed VRM amendment also includes the land for which there is demonstrated interest in the development of future solar facilities, including the Yellow Pine Solar Project and the proposed Copper Rays Solar Project. Based on the potential cumulative effects to visual resources, and in the interest of efficiency, the BLM elected to analyze a broader area currently designated as VRM Class III for the proposed VRM amendment.

3.2 Alternatives Considered but Eliminated from Detailed Analysis

According to the Council on Environmental Quality's (CEQ) NEPA Regulations (40 CFR 1502.14)[1], federal agencies are required under NEPA to rigorously explore and objectively evaluate all reasonable

[1] The BLM is aware of the November 12, 2024 decision in *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality (CEQ) regulations implementing NEPA are not judicially enforceable or binding on this agency action, the BLM has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500– 1508, in addition to the DOI's procedures/regulations implementing NEPA at 43 CFR Part 46, to meet the agency's obligations under NEPA, 42 U.S.C. §§ 4321 *et seq*.

alternatives and to briefly discuss the reasons for eliminating any alternative from detailed study (40 CFR 1502.14). The alternatives that were considered during the development and scoping phases of the project but eliminated from detailed analysis are presented in Table 1. Additional information on the alternatives considered but eliminated is provided in the *Alternatives Report* which is available at the project website: https://eplanning.blm.gov/eplanning-ui/project/2019992/510.

Table 1 Summary of Alternatives Considered but Eliminated from Detailed Analysis

Alternative	Description
Setback Alternative	This alternative would have increased the setback from State Route (SR) 160 for the on-site substation and O&M building to minimize potential visual impacts to vehicular users of SR 160. The Applicant considered the proposed setback during site design and incorporated recommendations into the Proposed Action. The Proposed Action could not achieve the full recommended setback distance due to site constraints and technical infeasibility. However, the O&M building was moved under the Proposed Action approximately 500 feet from SR 160 and the on-site substation remained at the location originally proposed. Because moving the on-site substation further from SR 160 would not be technically feasible, this alternative was not been carried forward for detailed analysis.
Reduced Project Footprint Alternative	This alternative would have reduced the Project size. Alternatives to the Project size were considered but eliminated from detailed analysis as the potential impacts would be substantially similar to alternatives already analyzed in detail. The BLM examines reduced project footprints to minimize potential impacts to resources, such as wildlife, hydrology, cultural resources, etc. However, the proposed Project already avoids development in approximately 519 acres to protect existing drainages within the Project boundary. The BLM also incorporated these avoidance areas into the BLM developed Action Alternative 1. Because the Proposed Action and Alternative 1 already avoid development in 519 acres to minimize impacts to drainages and other resources, the BLM determined no additional reduction in project footprint would be necessary for resource protection and impacts would be similar to those under the Proposed Action and alternatives. Additionally, the Applicant proposed a fencing method for the Project that would fence individual panel array areas across the Project area, reducing the footprint by leaving the drainages completely outside of the Project area. Through conversations with wildlife management agencies (U.S. Fish and Wildlife Service (USFWS) and Nevada Department of Wildlife), the BLM decided not to consider this fencing alternative in detail in favor of a design that reduces the number of fence lines wildlife would need to traverse across the Project area, thus reducing impacts to wildlife species that would continue to utilize the Project area. The Applicant modified their project design to accept the recommendation of the agencies.

Area of Critical Environmental Concern Alternative	During scoping, the BLM received comments recommending establishing an Area of Critical Environmental Concern (ACEC) for desert tortoise habitat during the RMPA/EIS process for the Project. This alternative was eliminated from detailed analysis because it does not meet the BLM's purpose and need to respond to an application for a solar project ROW. Although it is beyond the scope of this analysis, the BLM nonetheless considered whether an ACEC to protect desert tortoise habitat in this area would be appropriate. The BLM determined that an ACEC for desert tortoise habitat would be inconsistent with the BLM policy objectives related to the identification, evaluation, and designation of ACECs (MS-1613.21(E), BLM IM 2023-013). Nonetheless, the BLM reviewed this recommendation in accordance with the BLM ACEC Manual 1613 and IM 2023-013, Clarification and Interim Guidance for Consideration of Areas of Critical Environmental Concern Designations in Resource Management Plans and Amendments. However, as the BLM had not received a formal recommendation for an ACEC, the BLM considered the Rough Hat Clark and Copper Rays project site application boundaries using the ACEC Manual 1613 and IM 2023-013 for desert tortoise. The BLM determined that desert tortoise habitat in the Project area had "relevance" based on presence throughout the Project area (43 CFR § 1610.7-2(a)(1), MS-1613.11(A)), but did not meet the "important" criterion (43 CFR § 1610.7-2(a)(1), MS-1613.11(B)). The desert tortoise habitat in the Project area did not meet the "Important" criterion because the habitat within the project area is not geographically unique or uncommon across the range of the Mojave Desert, and habitat connectivity would not be severed if the area is developed because sustainable connectivity would remain throughout a significant geographical area in the Pahrump Valley, including the Stump Springs Regional Augmentation site and the Trout Canyon Translocation area that serve as protection areas for desert tortoise genetic connectivity and habitat. Both the Stump Springs Regional Augmentation site and Trout Canyon Translocation area are excluded from renewable energy development under the 2012 Western Solar Plan. For these reasons, the BLM determined an ACEC should not be analyzed for the Project area.
Reintroduction of Desert Tortoise Alternative	Scoping comments proposed an alternative that would allow for the reintroduction of desert tortoise in the Project area post-construction. Given the potential cumulative use of the Pahrump Valley for renewable energy, agencies have determined translocation of desert tortoise to the Stump Springs Regional Augmentation Site is preferred to meet the long-term goals outlined in the Desert Tortoise Recovery Plan (USFWS 2011) and guidance from USFWS for translocation plans (USFWS 2020). More specifically, the BLM considered the following factors when determining not to analyze an alternative including reintroduction of desert tortoise after project construction in detail: • Habitat within and adjacent to the Pahrump Valley solar project areas would not be sufficiently intact for desert tortoise reintroduction because of the number of projects proposed in a concentrated area, the proximity to the city of Pahrump, State Route 160, tortoise fencing along Tecopa Road for the Stump Springs translocation area, and the lack of habitat in the badlands and dry lakebeds closer to the California border. • To maintain long-term desert tortoise priority one connectivity habitat, the Stump Springs Regional Augmentation Site is being maintained as a connectivity corridor between California and Nevada and connects with the west slope of the Spring Mountains, east of Highway 160, for north-south desert tortoise connectivity in Nevada. • Desert tortoises do not coexist well with human development and disturbances and would be unlikely to persist in the area following construction. Studies have shown that tortoises are essentially absent from habitat within 1 km of areas with greater than 10 percent development, including urban development, cultivated agriculture, energy development, surface mines and quarries, pipelines and transmission lines, and roads and railroads. The minimal amount of suitable desert tortoise habitat adjacent to the sites would not be enough for reintroduction to the project areas, if authorized, post-construction. Due to the number of proposed projects within the Pahrump Valley, it was determined

	translocation without considering reintroduction to the area would be most beneficial to desert tortoise. However, Alternative 1, the Resources Integration Alternative, does analyze the effects to desert tortoise from passive reoccupation of the Project site by tortoise inhabiting undisturbed habitat adjacent to the Project area. The Resources Integration Alternative requires maintenance of 60 percent of the perennial vegetation density within solar panel arrays throughout the site. The Alternative analyzes the potential effects to desert tortoise if, after the site has recovered to support sufficient perennial vegetation cover, wildlife openings are modified to allow desert tortoises from adjacent habitat to passively reinhabit the site.
Private Land Alternative	Much of the available private land in the region is parcelized and served by nearby utility systems to accommodate higher-intensity industrial uses, which renders the land too expensive for solar PV development. Additionally, 85 percent of the land mass in Nevada is owned by the federal government, limiting the amount of private land available for development while increasing the cost of that land. Development of the Proposed Project on private land would not meet BLM's purpose and need for action because the BLM has no jurisdiction to authorize projects located on private lands. While the BLM could analyze a Private Land Alternative, the effects to the proposed Project site would be the same as the No Action Alternative. This alternative also would not meet BLM's purpose and need for action to advance the development of renewable energy production of federal public lands, and Executive Order 14057, which directs Federal agencies (including BLM) to "lead by example in order to achieve a carbon pollution-free electricity sector by 2035…".
Other BLM-Administrated Lands Alternative	Most BLM-administered land in the Pahrump Valley was eliminated from consideration because it was not available for the Project as there are other solar project applications within the Pahrump Valley, BLM-designated ACECs, and areas that do not meet the slope requirements for solar development included in the 2012 Solar PEIS. Site selection was ultimately based on opportunity, available acreage, flat topography, proximity to the SR 160, and existing major transmission infrastructure with available capacity adjacent to the site. As such, there is only minimal availability of BLM-administered land where solar development is not prohibited. Given the large number of pending and authorized applications on other BLM-administered lands where solar development is not prohibited, other BLM-administered lands were considered but eliminated from detailed study.
Brownfield/Degraded Land Alternative	The U.S. Environmental Protection Agency (EPA) tracks 480,000 contaminated sites for potential reuse for renewable energy development as part of its RE-Powering America's Lands Initiative.[2] Of those sites, 190,000 sites were pre-screened by EPA as having renewable energy development potential. In the Southern Nevada District Office, there are 11 sites located on BLM-administered lands, totaling approximately 642 acres across the District, with the largest individual site of 427 acres. Although it is possible to develop solar energy on these contaminated sites, this alternative was not analyzed in detail because the contaminated sites are too small to support a 400 MW project with appropriate access to transmission lines and substations with adequate capacity.
Solar Thermal Power Generation Alternative	Solar thermal energy is a form of energy production that uses high-temperature collectors to concentrate solar radiation (sunlight) onto mirrors or lenses. Solar thermal technologies include solar power towers and parabolic troughs. One of the primary reasons for rejecting the solar thermal power option is that the economic feasibility of solar thermal is no longer cost competitive to solar PV. According to the National Renewable Energy Lab, in 2023, the levelized cost of energy of solar PV was less than half that of solar thermal technologies (NREL 2023). A solar thermal project would have similar or considerably greater environmental impacts related to biological resources, including on birds; water consumption, as mirrors require washing; and visual impacts associated with glare from the mirrors and the high visibility of the tall power towers. Thus, this alternative was not carried forward for detailed analysis as this type of energy

[2] https://www.epa.gov/re-powering

	production is not economically feasible and would result in greater resource impacts.
Distributed Generation Alternative	Distributed generation refers to the installation of small-scale solar energy facilities at individual locations at or near the point of consumption (e.g., use of solar PV panels on a business or home to generate electricity for on-site consumption). The BLM has jurisdiction over only those public lands managed by the BLM. The BLM does not have jurisdiction over private lands or facilities. Also, the policies and legal basis for distributed generation are administered and regulated by Public Utility Commission of Nevada under Nevada State law. An alternative involving distributed generation was eliminated from detailed analysis because it would not meet the BLM's purpose and need for the proposed action, which is to respond to the Applicant's application for a ROW grant to construct, operate, and decommission a solar PV facility on public lands in compliance with the FLPMA, BLM ROW regulations, and other applicable federal regulations. Additionally, distributed generation would not meet the BLM's goals to promote the responsible production of renewable energy on BLM-administered lands.
Conservation and Demand-Side Management Alternative	This potential alternative to utility-scale solar PV energy development consists of a variety of approaches to reduce electricity use, including energy efficiency and conservation, building and appliance standards, and load management and fuel substitution. With population growth and increasing demand for energy, conservation and demand-side management alone is not sufficient to address energy needs. Conservation and demand-side management approaches also were eliminated from detailed consideration because they would not meet the BLM's purpose and need to respond to the Applicant's application under Title V of the FLPMA for a ROW grant to construct, operate, maintain, and decommission a solar PV facility on public lands. Additionally, conservation and demand-side management would not meet the BLM's goals to promote the responsible production of renewable energy on BLM-administered lands. Furthermore, the BLM has no authority or influence over energy conservation and demand-side management other than on lands that it administers.

3.3 Selected Alternative

In accordance with NEPA (40 CFR § 1502.14[d]), the BLM designated Alternative 1 – Resources Integration Alternative is the Selected Alternative (refer to Figure 1 in Appendix A).

3.4 Environmentally Preferable Alternative

In accordance with 40 CFR 1505.2(b), the BLM identified the No Action Alternative as the environmentally preferable alternative because it would cause the least damage to the biological resources and physical environment in the project area.

4.0 Decision

This ROD documents two decisions:

- First, it approves the issuance of a FLPMA Title V ROW grant to the Applicant to construct, operate, maintain, and decommission a solar facility, as described in Alternative 1 – Resources Integration Alternative in the Final EIS/Proposed RMPA and the Alternatives Report for the Rough Hat Clark Solar Project. This decision is consistent with BLM's legal requirements for managing public lands and contributes to the public interest in developing renewable power to meet federal and state renewable energy goals.
- Second, it amends the Visual Resource Management (VRM) Class III objective in the 1998 Las Vegas RMP to a VRM Class IV objective within a designated 9,960-acre area of BLM-managed lands south of State Route 160 and west of Tecopa Road to the town of Pahrump, Nevada, as

described in the Final EIS/Proposed RMPA, to allow for management activities that require major modifications of existing landscape character.

Specifically, this ROD approves the issuance of a ROW grant to authorize construction, O&M, and decommissioning of the approximately 400 MW PV solar electric generating facility with an up-to-700 MW BESS on BLM-administered land Clark County, Nevada, following the construction, operations, and decommissioning requirements outlined in the Selected Alternative. The approval will be implemented through a FLPMA Title V ROW grant, issued in conformance with Title V of FLPMA and its implementing regulations (43 CFR § 2801 et seq.). This decision also amends the 1998 Las Vegas RMP by changing the VRM Class III objective for the designated lands south of State Route 160 and west of Tecopa Road to the town of Pahrump, Nevada, to a VRM Class IV objective, to allow for management activities that require major modification of the existing landscape character.

The Project site is located on 2,469 acres of federal lands administered by the BLM within Mount Diablo Meridian, Nevada, T.21S., R.55E, secs. 18-20; 27-30 with the gen-tie within T.21S., R.55E, Section 34 and T.22S., R55E., secs 2 and 3. The entire legal land description for the Project is included in the Plan of Development. Figure 1 in Appendix A of the ROD shows the location of the approved Project site.

The ROW grant authorization will allow the Applicant to use, occupy, and develop the described public lands to construct, operate, maintain, and decommission an approximately 400 MW PV solar power generating facility and ancillary facilities, including an up-to-700 MW BESS. The Project, under the Selected Alternative, will result in the permanent disturbance of up to 406 acres on BLM-administered land within the 2,469-acre ROW application area due to grading. Overland travel to maintain vegetation (926 acres) and drive and crush methods (617 acres) will be implemented on 1,543 acres. A total of 491 acres will be avoided and will experience no ground disturbance.

The ROW is conditioned on compliance with: (i) the terms and conditions in the grant; (ii) the programmatic design features in the 2012 Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (2012 Western Solar Plan/Solar PEIS)[3], Southern Nevada District Project design features, approved mitigation measures in the Final EIS/Proposed RMPA, and resource plans and programs provided in Appendix B of this ROD; and (iii) the issuance of all other necessary local, state, and federal approvals, authorizations, and permits.

This ROD applies only to BLM administered lands and to BLM's decision on the Selected Alternative. Other local agencies, including but not limited to Clark County, as well as federal and state agencies, are responsible for issuing and enforcing their own decisions and applicable authorizations for the Selected Alternative.

5.0 Rationale for Decision

The BLM's approval of the Selected Alternative (Alternative 1 – Resources Integration Alternative), as described in the Final EIS/Proposed RMPA, reflects careful balancing of competing interests in the public lands and adherence to BLM's multiple use and sustained yield mandate and other obligations under FLPMA, including those in Title V. In particular, development of the solar site under the Selected Alternative will primarily use construction methods that minimize disturbance to topography, soils, and vegetation. Specifically, the Selected Alternative implements development methods that include overland

[3] As noted above, the Rough Hat Clark Solar Project is fully exempt from the Updated Western Solar Plan, which BLM approved on December 20, 2024. Therefore, the programmatic design features from the 2012 Western Solar Plan—not the Updated Western Solar Plan—apply to the Rough Hat Clark Solar Project.

travel (D-1), as this construction method is less intensive than grading or disc and roll methods and is expected to improve the retention of native vegetation, wildlife habitat, soils, seed banks, and biological soil crusts while minimizing air quality (fugitive dust) and water quality impacts. Scraping, grading, and leveling (D-3) is limited to the designated main access road, on-site substation, O&M facilities, temporary laydown areas, and equipment pads (e.g., inverters, battery enclosures). The maximum disturbance threshold for D-3 activities is set at 21 percent of the total development area(s) (e.g., panel array blocks, access roads, O&M facilities, battery storage), including spot grading needed for topographical constraints. Within each panel array block, topography, soils, and vegetation will be left in place, and installation of solar array components would occur over these existing resources. Within the panel array blocks, a mixture of overland travel and clear and cut/drive and crush techniques will be used for construction. Drive and crush effects are anticipated where multiple vehicle trips are made along the same path. A maximum of 40 percent of perennial vegetation density would be impacted through drive and crush techniques, not including the graded areas. Sixty percent of the vegetation density is required to be maintained in the panel array blocks, not including the graded areas. If vegetation is crushed through overland travel in the array blocks, it is anticipated it would recover.

Through comprehensive environmental analysis and public involvement in accordance with NEPA, the BLM has determined that the Selected Alternative will result in fewer impacts on native vegetation, reduce impacts to soils, reduce impacts related to the spread of invasive weeds, reduce impacts to washes, reduce erosion, and maintain off-site flow volumes and velocities compared to the Proposed Action. The BLM has developed additional measures to avoid, minimize, and mitigate impacts to other resources including, but not limited to, air quality; wildlife, including desert tortoise; resources important to interested Tribes; visual resources, including glare; and worker safety. The Selected Alternative and mitigation measures were developed in coordination with cooperating agencies, including EPA Region 9, USFWS Ecological Services and Migratory Bird Program, Nevada Division of Emergency Management, Nevada Department of Public Safety, Nevada Department of Wildlife, Nevada Division of Forestry, Clark County Department of Environment and Sustainability, Clark County Department of Aviation, Nye County, and Moapa Band of Paiutes. Mitigation incorporated into this ROD includes, but is not limited to, emissions controls, reduced project footprint, preconstruction western monarch butterfly surveys, desert tortoise burrow avoidance, desert tortoise cumulative compensation fee, establishment of a Tribal Participation Plan, and a fire prevention and safety plan. As part of the minimization for birds and bats, the Applicant will pay into a fund, which subsequent projects approved in the Pahrump Valley will also pay into, to develop a regional Bird and Bat Conservation Strategy (BBCS) covering all projects in the Pahrump Valley. This regional BBCS may identify additional adaptive management for developers in this region to follow during operation and maintenance to reduce mortality of birds and bats from their facilities. In addition, 2012 Solar PEIS programmatic design features and Southern Nevada District Office Project design features will be implemented as outlined in Appendix B of this ROD. Based on the foregoing and consistent with 40 CFR 1505.2(a)(3), the BLM has determined that all practicable mitigation measures to avoid or minimize environmental harm from the Selected Alternative have been adopted by this ROD.

The Selected Alternative will contribute to the public interest by facilitating infrastructure investments that will create jobs and economic activity, increasing safe and environmentally sound production and transmission of renewable energy on public lands to meet Federal and state goals, and protecting sensitive natural, cultural, and recreational resources. By approving the Project, the BLM will promote the policy objectives described in applicable Executive Orders and Secretary's orders, including:

- Executive Order 14008, encouraging actions to increase renewable energy production on public lands; and

- Executive Order 14082, requiring federal agencies to prioritize promoting construction of clean energy generation, storage, and transmission, and enabling technologies through efficient, effective mechanisms that incorporate community engagement.

This decision promotes additional Department of the Interior priorities, including: to sustainably develop our energy and natural resources by approving 400 MW of solar energy; ensure Tribal sovereignty is honored by engaging in government-to-government consultation; increase revenues to support the Department and national interests; and balance land uses by approving a project in a location that minimizes environmental effects and develops the most energy possible through efficient use of space. This decision advances BLM priorities of energy independence, shared conservation stewardship, and job creation. Project construction will generate approximately $102 million of labor income and total economic output of approximately $289 million. At its peak, construction of the Project will create an average of 400 jobs. The Project would produce approximately 400 MW of electricity with an integrated 700 MW BESS. The State of Nevada has enacted legislation to encourage the development of renewable energy generation. Nevada's Renewable Portfolio Standard requires that 50 percent of all energy generated in Nevada be derived from renewable sources by 2030. Throughout operations, the Project is estimated to generate approximately $13 million annually.

5.1 Considering Elements of the Public Lands Rule

In June 2024, the BLM's Conservation and Landscape Health final rule (also referred to as the "Public Lands Rule") (89 FR 40308) took effect. The rule supports ecosystem health and resilience and recognizes conservation as an important component of public lands management. Among other provisions, the Public Lands Rule seeks to prevent permanent impairment of ecosystem resilience and unnecessary or undue degradation of public lands in the course of BLM management actions and decisions (43 CFR 6102.5).

The rule defines ecosystem resilience as "the capacity of ecosystems (e.g., old-growth forests and woodlands, sagebrush core areas) to maintain or regain their fundamental composition, structure, and function (including maintaining habitat connectivity and providing ecosystem services) when affected by disturbances such as drought, wildfire, and nonnative invasive species" (43 CFR 6101.4(d)). The rule does not prohibit land uses that may impair ecosystem resilience, but rather encourages avoidance as a general matter and requires an explanation if impairment cannot be avoided (43 CFR 6102.5(b)(1) and (b)(8)).

Vegetation is relatively sparse across the Project area, including the entirety of the solar site as well as areas adjacent to the access roads and within most of the gen-tie alignment. Some higher amount of vegetation occur within the washes that will be avoided by the Selected Alternative. Some invasive plant species are present especially near State Route 160. Vegetation communities found on-site are relatively common for the region and support the federally listed desert tortoise. The habitat and ecosystems on site provide foraging habitat for kit fox and mule deer, support common small mammal species, and pollinators. Numerous reptile species have the potential to occur in the area. Migratory birds, including Yuma's Ridgway's rail and southwestern willow flycatcher, migrate through the Pahrump Valley and potentially forage over the habitat currently provided by the solar site.

The additional development and use of public lands associated with the Selected Alternative will not contribute to improved ecosystem resiliency since the solar facility will result in ground disturbance, habitat removal, and some loss of connectivity of habitat. However, development under the Selected Alternative includes avoidance and minimization measures including minimizing grading and vegetation removal, integrated weed management, interim restoration and final reclamation of disturbed areas, and compensatory measures with regard to desert tortoise habitat loss including contribution to cumulative

habitat loss.

The Selected Alternative includes several thresholds of disturbance for each type of construction method to be used within the solar array areas. Overland travel methods will be utilized to develop the solar array blocks, so as to reduce disturbance to topography, hydrology, soils, and vegetation and vegetation root systems. Methods will include both overland travel that maintains vegetation and overland travel that crushes vegetation but aims to preserve the root ball. The Selected Alternative also includes restoration over the lifespan of the Project to maintain the perennial vegetation cover and to restore vegetation that was subject to drive and crush within the solar array block area. It would allow the reoccupation of desert tortoise when onsite vegetation recovers sufficiently.

The Site Restoration-Revegetation & Decommissioning-Reclamation Plan, to be approved by BLM prior to issuance of a Notice to Proceed, requires vegetation management for fire and operational safety over the lifespan of the Project. The Site Restoration-Revegetation & Decommissioning-Reclamation Plan identifies the methods selected, including the seed mixes to be used to restore areas in coordination with the BLM and to address invasive species. The goal is that by the end-of-life of the Project, up to 60 percent of the original application area will have perennial vegetation cover. The Access Management Plan to be approved by BLM prior to issuance of a Notice to Proceed requires planning and management for internal travel during construction, operations and maintenance, and decommissioning, to support reaching the 60 percent goal of perennial vegetation density. Final reclamation, post-decommissioning, includes removing infrastructure and re-vegetating the disturbed areas to match the native vegetation cover and composition, which is anticipated to have a greater success rate under the Selected Alternative since restoration will occur over the life of the Project within the panel arrays.

An Environmental Compliance and Monitoring Plan will be required prior to issuance of a Notice to Proceed and will be approved by BLM. This plan will ensure all mitigation measures are effectively implemented and monitored. This plan involves regular site inspections and compliance checks during construction, operations, and decommissioning phases, ensuring that environmental conditions are maintained or improved. If initial reclamation efforts do not meet success criteria, adaptive management procedures will be employed to address revegetation challenges and ensure long-term sustainability.

In sum, the ecological conditions of the site support wildlife diversity and are common in the area. By implementing the avoidance, minimization, reclamation, and compensatory measures identified above, the Selected Alternative aims to minimize degradation of the ecosystems within the Project area. Compensatory mitigation has the potential to fund local, Pahrump Valley-specific mitigation to minimize residual impacts to desert tortoise and their habitat. The combination of these efforts ensures that the Project will not interfere with the natural processes needed to maintain or regain ecosystem resilience. The Selected Alternative, including the mitigation measures incorporated into this ROD, comports with the direction in the Public Lands Rule that the BLM consider opportunities to improve and avoid making decisions that will permanently impair ecosystem resilience.

6.0 Consultation and Coordination

6.1 Endangered Species Act Section 7 Consultation

The BLM initiated consultation with the USFWS on January 12, 2024. The BLM submitted a Biological Assessment (BA) describing the Proposed Action to the USFWS. Following review of the BA, the USFWS issued a final Biological Opinion (BO) on June 10, 2024 (File No. 2022-0054972-S7-001 and 2022-0054972-S7-002). The USFWS issued an amended BO on October 9, 2024 (File No. 2022-0054972-S7-001) to include Mojave desert tortoise health assessment requirements. The final BO and amended BO are included in this ROD as Appendix C. The USFWS concurred with the BLM's

determination that, if authorized, the Selected Alternative, the Resources Integration Alternative, may affect, but is not likely to adversely affect, the endangered Yuma Ridgway's rail, endangered southwestern willow flycatcher, and threatened yellow-billed cuckoo. The USFWS also concurred with the BLM's determination that the Selected Alternative would affect and would be likely to adversely affect the Mojave desert tortoise. The final BO identified a series of proposed minimization measures developed by the BLM and the Applicant and additional conservation measures to be implemented during all phases of the Project. The USFWS concluded that the Selected Alternative is not likely to jeopardize the continued existence of the Mojave desert tortoise or result in adverse modification of any designated critical habitat, taking into account the mitigation measures designed to avoid and minimize impacts. Implementation of these measures is mandatory and a requirement of this ROD and the ROW.

6.2 NHPA Section 106 Consultation

The BLM used the NEPA environmental review process to fulfill its requirements to consider effects to historic properties under Section 106 of the National Historic Preservation Act (NHPA) in lieu of the procedures set forth in 36 CFR 800.3 - 800.6. Between March and August 2022, the BLM notified the Advisory Council on Historic Preservation (ACHP), the Nevada State Historic Preservation Officer (SHPO), 15 Federally recognized Indian Tribes, one non-federally recognized Tribe, and the Old Spanish Trail Association that the BLM will use the environmental review process to meet its Section 106 compliance requirements, consistent with 36 CFR 800.8(c), and invited the participation of these consulting parties. The BLM also invited the consulting parties to participate in the NEPA process as Cooperating Agencies and provided administrative copies of the Draft EIS to those parties who elected to participate in that process.

As a result of the identification and evaluation efforts for the Proposed project, BLM determined that 22 archaeological resources within the physical area of potential effect are not eligible for listing in the National Register of Historic Places. The BLM requested SHPO concurrence on these determinations in letters dated November 28, 2022, and June 15, 2023, and received concurrence on December 30, 2022, and April 11, 2024. The BLM notified all consulting parties of the publication and availability of the Draft EIS/RMPA, and the BLM determinations of eligibility and finding of no adverse effect to historic properties, on January 11, 2024. The BLM requested SHPO concurrence on the finding of no adverse effect to historic properties on January 11, 2024. SHPO submitted comments on the BLM finding of effect in their April 11, 2024, comments on the Draft EIS. The BLM responded to the SHPO comments in the Final EIS/Proposed RMPA and provided supplemental information to the SHPO in response to their comment, as described in Appendix G of the Final EIS/Proposed RMPA.

The BLM developed a Cultural Resources Management Plan (CRMP) to ensure avoidance of historic properties and procedures for post-review discoveries. The Draft CRMP with details for avoidance of historic properties and procedures for post-review discoveries was provided to all consulting parties for review on July 31, 2024. No comments on the draft CRMP were received.

The BLM notified all consulting parties of the availability of the Final EIS/Proposed RMPA and finding of no adverse effect to historic properties on November 1, 2024. The BLM again requested SHPO concurrence on the Agency finding of no adverse effect to historic properties. No objections to the BLM finding of no adverse effect to historic properties or the Draft CRMP have been received. Pursuant to the regulations at 36 CFR 800.8(c)(4), the measures to avoid, minimize, and mitigate any adverse effects in the CRMP are hereby incorporated in this ROD as binding requirements, and the Agency's responsibilities under Section 106 shall be satisfied when the ROD is signed. A full summary of the Section 106 consultation is provided in Section 4 of the Final EIS/Proposed RMPA.

6.3 Government-to-Government Consultation with Tribes

As described in detail in Section 4.3 of the Final EIS, the BLM formally invited the following 15 federally recognized Indian Tribes to consult on a government-to-government basis for the Project: Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Chemehuevi Indian Tribe, Colorado River Indian Tribe, Fort Independence Indian Community of Paiute Tribes, Fort Mojave Indian Tribe, Kaibab Band of Paiute Indians, Las Vegas Paiute Tribe, Lone Pine Paiute-Shoshone Tribe, Moapa Band of Paiutes, Paiute Indian Tribe of Utah, San Juan Southern Paiute Tribe, Twenty-Nine Palms Band of Mission Indians, Timbisha Shoshone Tribe, and Utu Utu Gwaitu Paiute Tribe. The BLM also identified and invited the Pahrump Paiute Tribe (a non-federally recognized Tribe located in the Pahrump Valley) to participate in the consultation for the proposed Project. Only the Moapa Band of Paiutes accepted BLM's invitation to consult. Consultation was initiated in accordance with several authorities including, but not limited to, NEPA, NHPA, the American Indian Religious Freedom Act, Executive Order 13175, Executive Order 13007, Secretarial Order 3317, and DOI's Tribal Consultation Policy (Dec. 1, 2011). The federally recognized Tribes were invited to be consulting parties as provided in 36 CFR Part 800, the implementing regulations for Section 106 of NHPA.

Consistent with policy, the BLM notified and formally requested consultation with the above-listed Indian Tribes by letter and traveled to and consulted with the above-listed Tribes. The BLM Field Manager and staff have actively responded to all requests to meet with Tribal leaders and staff throughout project review. Details regarding specific correspondence dates for consultation initiation, cooperating agency invitations, and project updates and document availability, as well as dates of consultation/coordination meetings and site visits, are available in Section 4.3 of the Final EIS.

6.4 Cooperating Agency Coordination

The Cooperating Agencies included USEPA Region 9, USFWS Ecological Services and Migratory Bird Program, Nevada Division of Emergency Management, Nevada Department of Public Safety, Nevada Department of Wildlife, Nevada Division of Forestry, Clark County Department of Environment and Sustainability, Clark County Department of Aviation, Nye County, and Moapa Band of Paiutes. In addition to meetings to gather input on the alternatives and NEPA analysis, the Cooperating Agencies also participated in review of administrative draft documents for the Draft EIS/RMPA, as well as review of resource reports, studies, and modeling utilized for the NEPA analysis. The BLM provided notification of the publication, including a link to the document location, of the Draft EIS/RMPA to the Cooperating Agencies. The BLM hosted virtual cooperating agency meetings after the close of the public comment period to review public comments and discuss key concerns. The Cooperating Agencies were provided with a draft of *Appendix E: Public Comment, Responses, and Revisions to the Draft Environmental Impact Statement/Resource Management Plan Amendment* to review and their comments were incorporated into the responses and/or Final EIS/Proposed RMPA where appropriate.

6.5 Governor's Consistency Review

Section 202 of FLPMA directs the BLM to coordinate planning efforts with Native American Indian Tribes, other federal departments, and agencies of state and local governments. To accomplish this, the BLM is directed to keep apprised of state, local, and Tribal plans; ensure that consideration is given to such plans; and assist in resolving inconsistencies between such plans and federal planning. FLPMA goes on to state in paragraph (c)(9), "Land use plans of the Secretary [of the Interior] under this section shall be consistent with state and local plans to the maximum extent [s]he finds consistent with federal law and the purposes of this Act" (43 U.S.C. 1712(c)(9)). The BLM's FLPMA planning regulations provide additional details, requiring that BLM RMPs be consistent

with officially approved or adopted resource-related plans of other federal agencies, and state, local, and Tribal governments, so long as the RMPs are also consistent with the purposes, policies, and programs of federal laws and regulations applicable to public lands (43 CFR 1610.3-2).

In accordance with the BLM planning regulations at 43 CFR 1610.3-2(e), the BLM submitted the Final EIS/Proposed RMPA to the Governor of Nevada on October 30, 2024, for a 60-day review period to identify inconsistencies with approved or adopted state or local resource-related plans, policies, or programs. On December 17, 2024, the BLM received a written response from the Governor's office. The Governor's Office replied confirming that the proposed RMPA is consistent with State and local plans, policies, and programs. The Governor's Office had no objections to the approval of the RMPA.

7.0 Public Involvement

7.1 Scoping

The BLM published a Notice of Intent to prepare an EIS/RMPA for the Project in the Federal Register on October 21, 2022, which initiated a 45-day public scoping period for the Project that ended December 5, 2022 (87 FR 64087). The BLM hosted two virtual public scoping meetings on November 15 and November 16, 2022. During scoping, the BLM received 54 comments. A *Scoping Report* was prepared to summarize the comments addressed and posted to the Project's ePlanning page (DOI-BLM 2018).[4] The BLM also sent letters in June 2022, to invite agencies to become cooperating agencies. Cooperating agencies include USEPA Region 9, United States Fish and Wildlife Service (USFWS) Ecological Services and Migratory Bird Program, Nevada Division of Emergency Management, Nevada Department of Public Safety, Nevada Department of Wildlife, Nevada Division of Forestry, Clark County Department of Environment and Sustainability, Clark County Department of Aviation, Nye County, and Moapa Band of Paiutes.

7.2 Public Comments on the Draft EIS/RMPA

Concurrent with the publication of a Notice of Availability in the Federal Register, the Draft EIS/RMPA was published on January 12, 2024. This was followed by a 90-day public comment period ending on April 11, 2024. The BLM held one in-person meeting on January 30, 2024, and one virtual public meeting February 2, 2024, to provide the public with information on the Draft EIS/RMPA, respond to questions, and gather public comments. The in-person meeting had 66 attendees, and the virtual meeting was attended by 20 people. Public meeting materials were posted to the project ePlanning webpage for review to provide the public with information on the Draft EIS/RMPA.

The BLM received a total of 207 substantive and non-substantive written, verbally recorded, and transcribed comments from various federal, State, and local agencies; Native American Tribes; non-governmental organizations; private companies; and individual members of the public. Consistent with 40 CFR 1503.4(b), BLM provided responses to each substantial comment in the *Public Comment, Responses, and Revisions to the Draft Environmental Impact Statement*, included as Appendix G of the Final EIS/Proposed RMPA. No major modifications to the Proposed Action or alternatives were made as a result of the received public comments. Additional information about the comments received during the public review and comment period was included in the Final EIS/Proposed RMPA, Chapter 4: Public Involvement Process. The substantive and non-substantive comments, the

[4] The BLM Project website is https://eplanning.blm.gov/eplanning-ui/project/2019992/510.

BLM's response to substantive comments, and additional information regarding the comment receipt and response process were included in Appendix G of the Final EIS/ Proposed RMPA.

7.3 Protests and Public Comments on the FEIS/Proposed RMPA

Pursuant to BLM's land use planning regulations in 43 CFR 1610.5-2, any person who participated in the proposed RMPA planning process for the Rough Hat Clark Solar Project and who has an interest that is or may be adversely affected by the planning decision had an opportunity to protest approval of the proposed RMPA contained in the Final EIS/Proposed RMPA within 30 days from the date the USEPA published the NOA of the Final EIS/Proposed RMPA in the Federal Register.

The BLM received seven properly filed protest letters, a subset of which contained valid protest issues. Protest issues included compliance with the ESA, FLPMA, and NEPA. After careful consideration of all issues raised in these protests, the BLM concluded the responsible planning team followed all applicable laws, regulations, and policies in developing the proposed RMPA. Individual protests and responses are published in the Director's Protest Resolution Report (available at: http://www.blm.gov/wo/st/en/prog/planning/planning_overview/protest_resolution/protestreports.html).

The BLM also received 2 comment letters regarding the Final EIS/Proposed RMPA following publication of the NOA in the Federal Register (2024-25478 EPA) for the Final EIS/Proposed RMPA on November 1, 2024 from the EPA and Clark County. The EPA supports the selection of the Resources Integration Alternative. The EPA supports the changes to the Draft EIS incorporated into the Final EIS that provide additional information regarding the Mojave desert tortoise including additional mitigation measures to offset cumulative effects to the desert tortoise. The EPA also supports the reduction of proposed water use incorporated into the Final EIS for the Selected Alternative and the relinquishment of water rights as part of the Selected Alternative. The Clark County Department of Environment and Sustainability submitted a comment previously submitted in 2022 and 2024 that determines that the Rough Hat Clark Project should have no significant impact to ambient air quality if the project complies with the Air Quality Regulations. The Final EIS/Proposed RMPA includes the requirement to comply with the County Air Quality Regulations.

7.4 Availability of the Record of Decision

Electronic copies of this ROD are available at the following web address: https://eplanning.blm.gov/eplanning-ui/project/2019992/510.

Paper and electronic copies may be viewed at the following locations:

- Bureau of Land Management, Southern Nevada District Office
  4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130
- Pahrump Community Library
  701 East Street, Pahrump, Nevada, 89408
- Tecopa Branch Library
  408 Tecopa Hot Spring Road, Tecopa, California, 92389

8.0 Final Agency Action

8.1 Right-of-Way Authorization

Based on the foregoing, it is my decision to approve issuance of ROW grant by the BLM to the Applicant for the Selected Alternative, subject to terms, conditions, stipulations, design features, mitigation measures, and minimization measures provided in this ROD.

This decision also approves the RMP amendment included in the Final EIS/Proposed RMPA.

This decision is effective immediately.

JON RABY Digitally signed by JON RABY Date: 2025.01.14 13:04:00 -08'00'

14 January 2025
Date

Jon K. Raby
State Director
BLM Nevada State Office

8.2 Secretarial Approval

I hereby approve the ROW decision. My approval of this decision constitutes the final decision of the DOI, in accordance with the regulations at 43 CFR § 4.410(a)(3) and is not subject to appeal under DOI regulations at 43 CFR Part 4. Any challenge to this decision, including the BLM Authorized Officer's issuance of the right-of-way as directed by this decision, must be brought in federal district court.

Approved by:

STEVEN FELDGUS Digitally signed by STEVEN FELDGUS Date: 2025.01.14 17:41:51 -05'00'

14 January 2025
Date

Steven H. Feldgus
Principal Deputy Assistant Secretary
Land and Minerals Management

Appendix A Location Maps

Figure 1 Regional Location

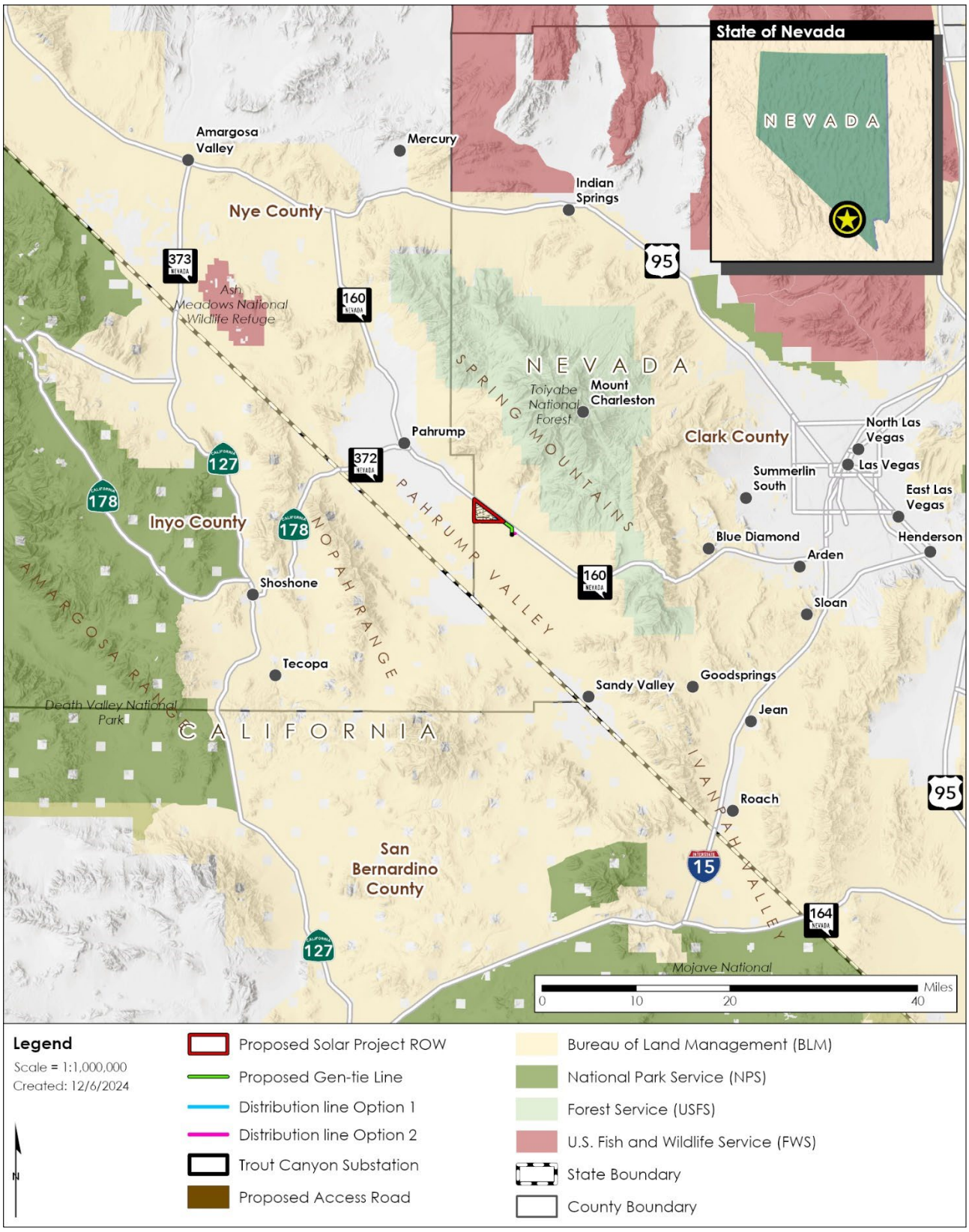

Figure 2 Project Location

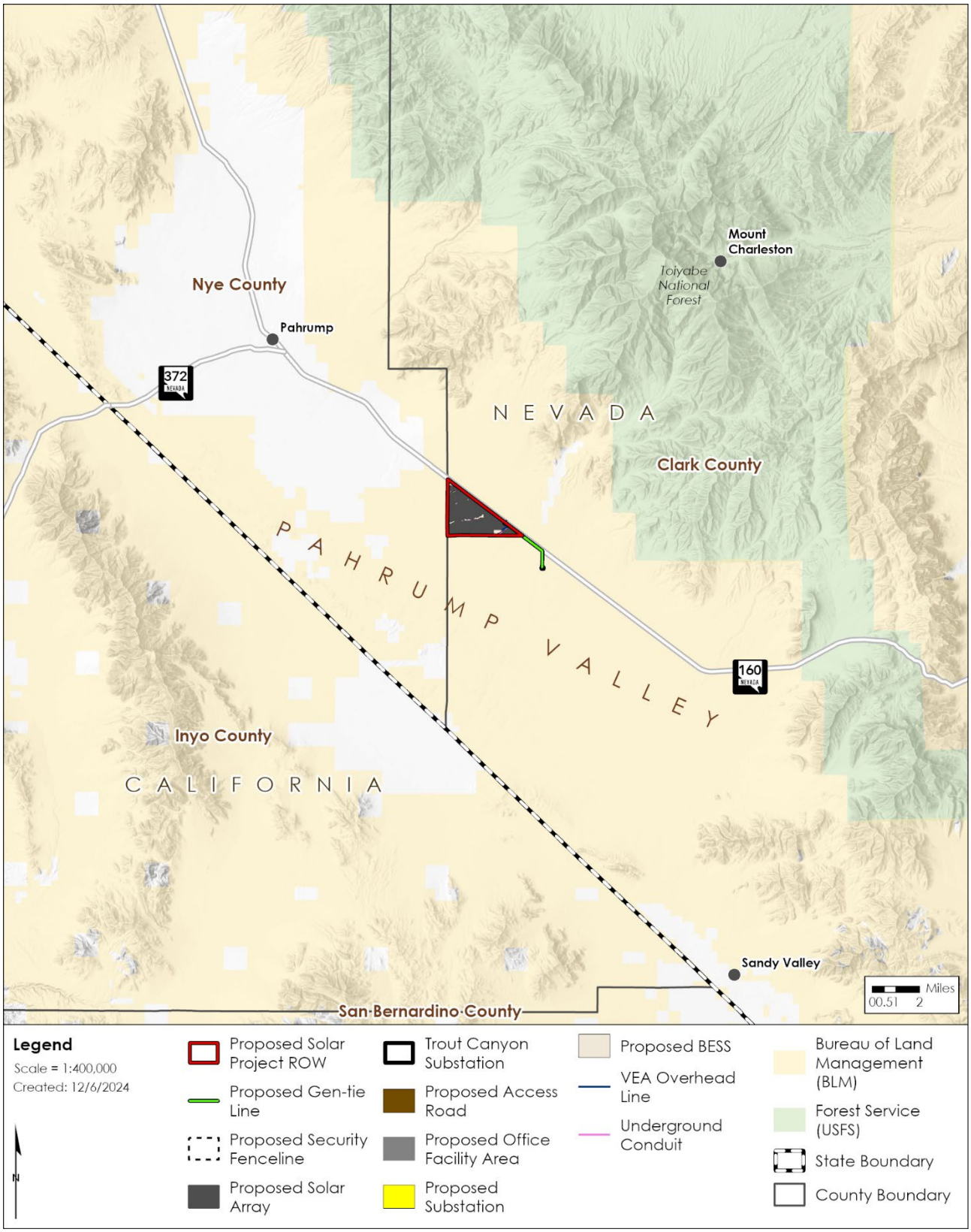

Figure 3 RMP Amendment Regional Context

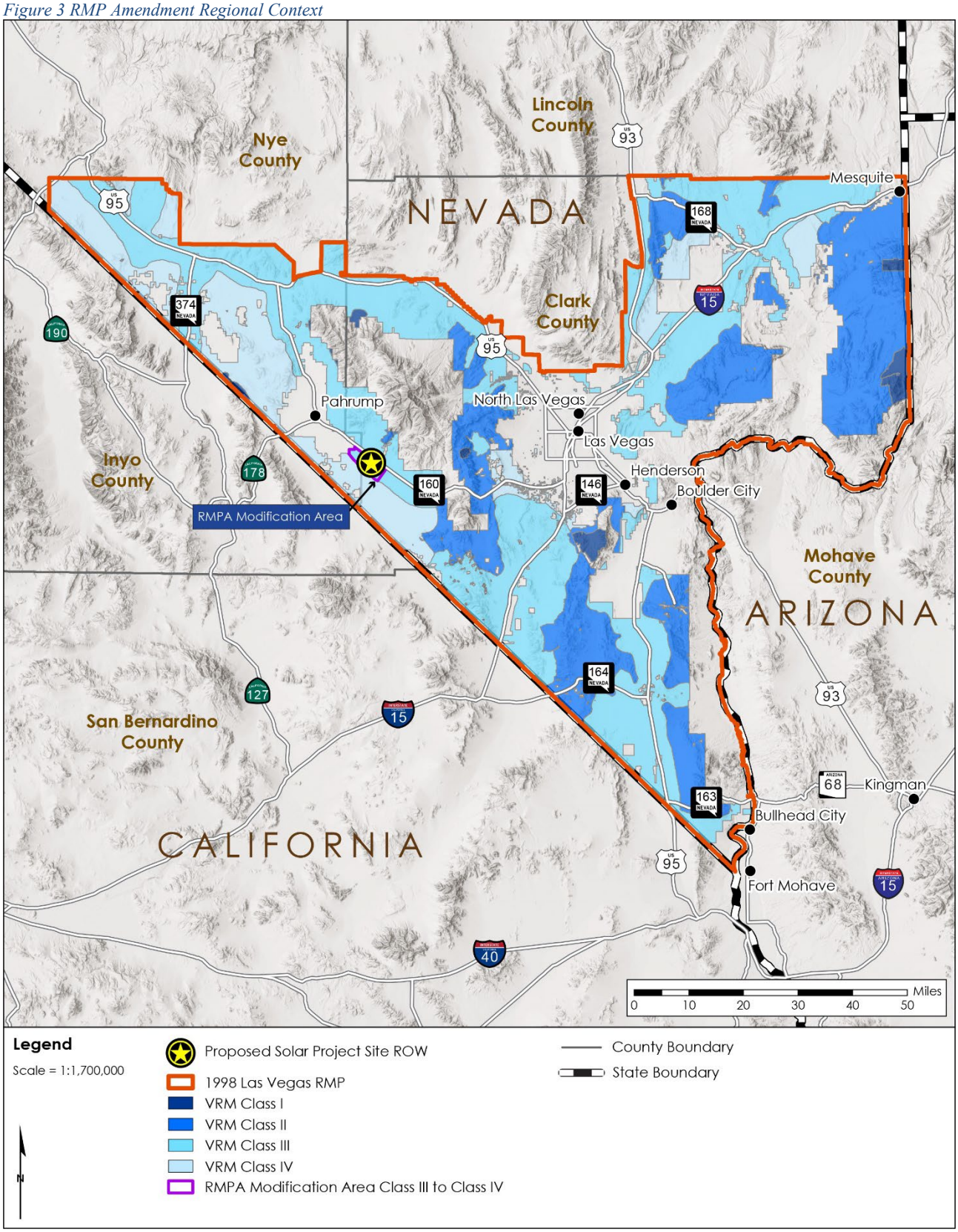

Figure 4 RMP Amendment Location