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Andrew Haskin
County Manager

September 27, 2024

BLM Director
Attn: Protest Coordinator (HQ210)
Denver Federal Center, Building 40 (Door W-4)
Lakewood, CO 80215

Submitted Via BLM ePlanning: ***eplanning.blm.gov/eplanning-ui/2022371/510***

RE: Lyon County, Nevada Protest of the Final Programmatic Environmental Impact Statement and Proposed Resource Management Plan Amendments for Utility-Scale Solar Energy Development (DOI-BLM-HQ-3000-2023-0001-RMP-EIS)

Dear Protest Coordinator:

Per 43 CFR Section 1610.5-2, Lyon County, Nevada (County) files this Protest of the Bureau of Land Management's (BLM) Final Programmatic Environmental Impact Statement (Final PEIS) and Proposed Resource Management Plan Amendments (Proposed RMPA) for Utility-Scale Solar Energy Development. The 30-day protest period began on August 30, 2024, and expires September 30, 2024. This protest was submitted in a timely manner via BLM's e-Planning platform along with the County's prior comments to the Draft PEIS, hereby incorporated by reference (attached). Below is the BLM's required information for filing a protest per its "Critical Item Checklist for Filing a Protest":

Name of Resource Management Plan (RMP) or Amendment (RMPA) being protested:
Proposed Resource Management Plan Amendments for Utility-Scale Solar Energy Development (DOI-BLM-HQ-3000-2023-0001-RMP-EIS).

Protestor's Information:
Lyon County, Nevada
Care of: Andrew Haskin, County Manager
27 South Main Street
Yerington, Nevada 89447
(775) 463-6531

Protestor's Interest in Filing this Protest:
Lyon County, Nevada covers approximately 1.3 million acres of land. Of this, approximately 560,000 (43%) is public land managed by the BLM under the 2001 Carson City Resource Management Plan. The

Proposed RMPA would make approximately 16% of the County and 38% of the BLM-managed lands in the County available for solar application.

The County, through its Master Plan and Public Lands Policy Plan previously provided to the BLM, has stressed the importance of multiple use management of public lands. Solar development is a singular use that eliminates other multiple uses, impacts critical environmental resources, alters access to surrounding public lands and both directly and indirectly impacts surrounding public and private lands. The County is not opposed to solar development on public lands; however, it is imperative to locate solar development in areas that avoid or minimize critical natural resources and multiple uses of those lands. The Proposed Plan has completely missed the mark in terms of guiding solar development into the most appropriate places; thereby shifting the burden of proper project siting to local government and BLM District Offices.

In short, the County is extremely disappointed in the outcome of the Proposed Plan as well as the process to develop it. The County believes its previously provided comments fell on deaf ears, and that the Proposed Plan will result in fiscal impacts to the County as it will be left to deal with speculative solar applications in inappropriate areas. If these projects are approved, the County will experience significant negative impacts to its customs, culture and economy that are all directly tied to the multiple uses of public lands managed by the BLM.

As the below protest points will illustrate, the BLM's complete disregard for its own mandatory processes, procedures, regulations and policies have resulted in an unsupported Proposed RMPA and Final PEIS. The only way to sufficiently resolve the many errors and insufficient analysis is to adopt the No Action Alternative and support future State and District Specific RMPAs as relates to solar energy development on BLM managed public lands.

Issue(s) Being Protested (Including Statement of the parts of the plan being protested and concise statement of why the Director's decision is believed to be wrong):

1. ***Planning Area (Chapter 1.1.4 "BLM's Scope of Analysis", Pages 1-7 and 1-8):***
    a. As previously conveyed in its April 18, 2024 comment letter (including attachment 3, "Lyon County Concern with BLM Multi-State Planning Efforts"), the County was and remains extremely concerned with the 11-state planning area for this effort and the Final EIS and Proposed RMPA. It was well intentioned by the BLM to make solar planning "consistent" across Western states. However, the fact is that the resources, land uses, and local conditions are NOT consistent across Western states. The magnitude of the planning area resulted in significant data gaps, mapping errors, inadequate impact analysis as well as inadequate consideration and engagement with state and local governments including this County. The County believes the planning area violates 43 CFR, Section 1610 as well as Congressional direction provided under the Congressional Review Act specific to the BLM's previous Resource Management Planning Rule (Planning 2.0 Rule).

2. ***Mapping (Solar Programmatic EIS Proposed Plan in Nevada – available on e-Planning, Appendix G: "GIS Data Sources and Methodology", and GIS web map – accessible at: https://experience.arcgis.com/experience/269187273bc743c5a4d21c75b44d0f2f)***

a. As expressed in its April 18, 2024 comment letter, the County's assessment of the mapping of the Proposed Plan has resulted in significant concerns. At that time, the County conveyed that "Across all alternatives, there are areas identified as 'open to solar application; that would not be consistent with County-adopted plans and policies. The same is true for exclusion areas, where the BLM has excluded development in areas that would be consistent with County-adopted plans and policies."

The Final PEIS and Proposed Plan did nothing to alleviate these concerns, in fact, it exacerbated them. The "Static Maps" posted to the BLM's e-Planning site are published at such a scale that they are not useful. These maps don't even include County lines.

After developing its own maps and reviewing the BLM's web map, the County was frustrated to find areas designated as "Open for Application" immediately adjacent to communities, farmlands, State Recreation Areas, State Wildlife Areas and so on. It is frustrating that the BLM couldn't develop mapping that allows the public to determine these facts without having to either develop their own maps or access and navigate a web mapper. It is even more frustrating to learn that the BLM's set of "exclusion criteria" was wholly inadequate in providing a product that was consistent with this County's Master Plan and Public Lands Policy Plan.

3. ***BLM Alternatives (Chapter 2.1 "Alternatives Analyzed in Detail", Page 2-1 to 2-27), Western Alliance "Smart from the Start" Alternative (Chapter 2.3.6, Page 2-37) and Proposed Plan:***

a. As previously conveyed in its April 18, 2024 letter, it is very concerning to the County that none of the proposed action alternatives require pre-National Environmental Policy Act (NEPA) coordination with local governments, nor any other safeguard for application speculation. Based on recent experience, the Variance Process was the only mechanism that forced a potential solar developer to engage in meaningful dialogue with the County about locating its project in the most appropriate location. The County went on to express that Alternatives 1 – 3 were in significant conflict with its Master Plan and Public Lands Policy Plan and should be dropped from further analysis. Finally, the County suggested utilizing Alternatives 4 and 5 to re-start the planning effort at a State or District BLM level so that additional details could be considered, including the Western Alliance "Smart from the Start" Alternative. The County recommended that the Variance Process be included as part of all action alternatives.

The County was extremely disappointed to see that not only did the BLM not analyze the Western Alliance "Smart from the Start" Alternative, it incorporated aspects of Alternatives 1 and 2 that resulted in more areas being designated as "open for solar application" than Alternatives 4 and 5. Finally, the BLM didn't consider leaving the Variance Process in place for any of the action alternatives, nor the Proposed Plan.

The County is aware that it wasn't the only local government that requested these actions, yet all requests were soundly rejected by the BLM and left out of the Proposed Action.

4. ***BLM Proposed Plan (Chapter 6.1 "Description of Proposed Plan", Pages 6-1 to 6-5):***
    a. The BLM's statement that the "Proposed Plan" begins with Alternative 5 is extremely misleading. Changing the "transmission proximity" AND "previously disturbed lands" criteria to one OR the other results in a completely different result than was presented in Alternative 5 of the Draft PEIS. Further, changing the 10-mile offset from existing or planned transmission lines that are greater than 100 kV to 15-miles and 69 kV results in a completely different dynamic that any of the alternatives considered in the Draft PEIS. The Proposed Alternative is substantially different than any of the Action Alternatives presented in the Draft PEIS. Just because the area of land "open for application" analyzed under Alternatives 1 and 2 were greater than those in the Proposed Plan does NOT mean that the BLM did an adequate job of describing the Proposed Action in the Draft EIS. If the BLM was going to move forward with a substantially different Alternative and/or Proposed Plan as it has here, then it should have issued a Draft Supplemental PEIS. These changes from the Draft to Final PEIS are substantial and resulted in a complete lack of public transparency. In addition, more time is needed for a thorough vetting of the Proposed Action than the 30-day Protest Period allows.

5. ***BLM Proposed Plan - Exclusion Criteria (Chapter 6.2 "Exclusion and Avoidance Areas in the Proposed Plan, Pages 6-6 to 6-17 and Table 6-2 "Resource-Based Exclusion Criteria in the Proposed Plan", Pages 6-7 to 6-14):***
    a. It appears that the BLM did NOT incorporate the following County recommendations presented in its April 18, 2024 letter:
        i. The County recommends adding an "unmapped" exclusion criterion for solar applications to be excluded from areas identified in locally adopted plans and policies (both BLM and local government). It would be incumbent for the Solar Applicant to coordinate with the County and BLM Field or District Office to ensure this condition was met prior to initiation of NEPA.
        ii. The County recommends that this document and exclusion clearly add Bi-State Sage-grouse and further state that all Bi-State Sage-grouse Habitat mapped by the State as Priority or General be EXCLUDED from solar application.
        iii. The County recommends that critical big game habitat areas and migration corridors rely on the most recent mapping provided by the State Wildlife Agencies, and any critical winter habitat and migration corridors should be EXCLUDED from solar development.
        iv. The County recommends adding the following areas to the list of specific areas EXCLUDED from solar application:
            - Carson and Walker River Corridors;
            - Within 1-mile of zoned agricultural or residential areas; and,
            - Within 1-mile of State Parks, Recreation Areas, and Wildlife Management Areas.
        v. The County also recommends that the BLM add a new Exclusion that excludes solar applications in hydrographic basins that are either over

allocated or over appropriate as determined by the respective State Division / Department of Water Resources.

As such, the BLM's Proposed Action is in significant conflict with the County's Master Plan and Public Lands Policy Plan in addition to concerns raised by County citizens.

6. ***Reasonably Foreseeable Development Scenario (Section 2.2 RFDS, Pages 2-31 to 2-33 and Appendix C):***
   a. In its April 18, 2024 letter, the County recommended that the BLM reassess its RFDS, and in doing so, include a map and listing of all pending solar applications by State and BLM District, as well as a preliminary analysis of how many new transmission lines would be needed to meet the RFDS. This analysis was not completed, and the County contends that the BLM's estimated RFDS remains significantly flawed as does the entire impact analysis.

7. ***Proposed Programmatic Design Features Under the BLM Action Alternatives:***
   a. In its April 18, 2024 letter, the County recommended requiring pre-application coordination with both the local BLM and County government. The current Variance Process includes a specific requirement for this consultation prior to initiation of NEPA (attached). This process could be incorporated into either the Design Features for Lands and Realty or a new Design Feature.

   It appears that the BLM's Proposed Plan both eliminates the Variance Process and does NOT include a required Design Feature for developers to coordinate the location of their projects with local governments. Rather, the BLM implies that its Right-of-Way Regulations under 43 CFR Part 2800 (as of August 8, 2024) would meet this requirement.

   The problem with this regulation is that it requires the applicant to meet with the County after the application is filed and within 6-months of the BLM's receipt of a cost recovery fee. It is the County's experience that meeting with a project proponent six (6) or more months AFTER an application is received is not conducive to resolving siting issues and concerns. The Variance Process is much more favorable to screening poorly sited solar projects.

   The BLMs approach is going to result in a confrontational relationship between local government, the BLM and solar developers. This issue is going to be exacerbated by the extreme amount of area that is "open for solar application" under the Proposed Plan that is inconsistent with State and local plans and policies. The problem is that "open for solar" implies minimal conflicts, and per the County's review of the mapping, that is simply not the case.

Based on the above listed protest points, the County would reiterate: **the only way to sufficiently resolve the many errors and insufficient analysis found in this Proposed RMPA and Final PEIS is to**

adopt the No Action Alternative and support future State and District Specific RMPAs as relates to solar energy development on BLM managed public lands.

If there are any questions as to the comments provided, please contact me at (775) 463-6531.

Thank you,

Andrew Haskin
Lyon County Manager

JLD/el/ah/ca

cc: Senator Catherine Cortez Masto
Senator Jackey Rosen
Congressman Mark Amodei
Congressman Steven Horsford
Governor Joe Lombardo
Jon Raby, Nevada State Director, BLM
Kim Dow, Carson City District Manager, BLM

Attachments: April 18, 2024 Letter RE: Lyon County, Nevada Comments to the Draft Programmatic Environmental Impact Statement for Utility-Scale Solar Energy Development
Natural Resources and Environment Chapter (5) of the Lyon County Master Plan
Energy Development Chapter (13) of the Lyon County Public Lands Policy Plan
Lyon County Concern with BLM Multi-State Planning Efforts
Western Alliance Smart from the Start Alternative
Variance Process from 2012 Final Solar PEIS

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Andrew Haskin
County Manager

April 18, 2024

Bureau of Land Management
Attn: Draft Solar EIS
Care of: Jeremy Bluma
1849 C Street NW
Washington, DC 20240

And,

Via Email: solar@blm.gov

RE: Lyon County, Nevada Scoping Comments to the Draft Programmatic Environmental Impact Statement for Utility-Scale Solar Energy Development (DOI-BLM-HQ-3000-2023-0001-RMP-EIS)

Dear Mr. Bluma:

Lyon County, Nevada (County) appreciates the opportunity to provide these comments to the above-listed Draft Programmatic Environmental Impact Statement (Draft PEIS). The County had a representative attend the March 6, 2024 Virtual Public Meeting. On April 4, that same representative provided a subsequent update and overview to this Commission, including a County-specific map review of the various alternatives, which drew considerable public interest and comment. The County is also currently tracking three different solar projects within the Carson City District of Bureau of Land Management (BLM) and recently participated in its first Variance Process (Artemesia Solar). It is from this experience that the County offers these comments.

The County has two procedural requests of the BLM:

1. The County is requesting formal Cooperating Agency Status based on recent developments and public interest in this planning process; and,

2. The County is requesting a 30-day extension of the comment period for this Draft PEIS based on the size and complexity of this document, as well as public interest and comment.

Below is a summary of the points raised by the public during the Commission's April 4 meeting:

- Several members of the public requested an extension of time for the Draft PEIS comment period given the complexity of the document and their difficulty understanding the various aspects of the BLM's action alternatives, exclusions, and required design features.
- Several members of the public voiced concern with all of the BLM-proposed Action Alternatives (primarily opening too much area for solar application, especially in important

community interface or multiple use areas) and supported the Western Alliance Smart from the Start Alternative that the BLM chose not to analyze in detail.
    - One member of the public spoke in favor of Alternative 5.
- Several members of the public recommended a buffer between open solar application areas and existing residential and agricultural areas.
- Several members of the public recommended a new exclusion criterion for water basins that are either over allocated or over pumped.
- Several members of the public expressed concerns over the cumulative effects of not just solar panels, but all associated infrastructure (substations, transmission lines, etc.) and disposal of panels that are either damaged or at the end of their useful life.
- One member of the public raised concerns over the Draft PEIS ultimately truncating subsequent project specific NEPA analysis.
- One member of the public expressed concern with all BLM Proposed Action Alternatives identifying areas "open" for solar development in wildland-urban interface areas where the BLM recently completed fuels reduction projects.
- One member of the public expressed concern with all BLM Proposed Action Alternatives identifying areas "open" for solar development in areas with significant cultural resources. Examples include Black Mountain and the East Walker River Corridor.

The County does have a Natural Resources and Environment Chapter in its Master Plan and an Energy Development Chapter in its Public Lands Policy Plan. Both Chapters have been included for reference and the below comments are intended to point out where the Draft PEIS is and is not consistent with the County's adopted Plans and Policy. The below comments have been organized by major topical area as follows:

Planning Area:

The County is extremely concerned with the 11-state planning area for this Draft PEIS. It has become clear to the County that such a large and diverse planning area has created some significant limitations and challenges, many of which will be described below. The County also questions whether planning at this level violates Congressional directives (see attached "Lyon County Concern with BLM Multi-State Planning Efforts" for more detail).

The County supports Programmatic planning at the District or State level, rather than this regional / multi-state effort.

Mapping:

The County is very appreciative of the BLM including a web viewer on its ePlanning site so that specific mapping areas can be examined. However, the County's assessment of the mapping has resulted in significant concerns. Across all alternatives, there are areas identified as "open to solar application" that would not be consistent with County-adopted plans and policies. The same is true for exclusion areas, where the BLM has excluded development in areas that would be consistent with County-adopted plans and policies.

The County views the biggest limitation to mapping as the broad planning area that simply doesn't lend itself to consistently identifying and mapping key exclusion areas, or inversely, areas where

development may be preferred. There are also limitations to available data sources (see comments on "Exclusion Areas" below). Many of the mapping layers, particularly for exclusion areas, rely on data from locally adopted Resource Management Plans (RMPs). The problem is that the BLM's Carson City Consolidated RMP is very dated and efforts to update the Carson City District's RMP have been paused since 2016.

The County recommends that the BLM suspend this regional planning effort and focus future planning (including information developed thus far) in a BLM-District or State-level planning effort. This would allow better refinement of appropriate exclusion areas and desirable solar application areas.

If the BLM moves forward with its current planning effort at this regional scale, then the County would advocate for maintaining the Variance Process specific to the requirement for pre-NEPA coordination with local governments.

BLM No Action Alternative:

The County just completed comment on its first Variance Application and appreciated the requirement for the developer to coordinate with local government prior to the start of NEPA. This project location had the potential for major impacts with County plans, policies, and interests and through the Variance Process, the County was able to identify these issues before the NEPA process.

What is very concerning to the County is that none of the proposed action alternatives require pre-NEPA coordination with local governments, nor any other safeguard for application speculation. Based on recent experience, the Variance Process was the only mechanism that forced a potential solar developer to engage in meaningful dialogue with the County about locating its project in the most appropriate location.

The County recommends that the Variance Process, at minimum the pre-NEPA requirement for coordination with local governments, be included as part of all action alternatives.

BLM Action Alternatives:

After reviewing County-specific maps, none of the BLM's Proposed Action Alternatives are consistent with County plans and policies. All alternatives include "exclusions" of areas that may be appropriate for solar development, and more concerning is the amount of area identified as "open" for solar application that is completely inappropriate.

The County recommends that the BLM not adopt Alternative 1 and drop it from further analysis. The County is adamantly opposed to this Alternative. It is significantly inconsistent with County adopted plans and policies, would open more of the County up to solar speculation and disproportionately favors solar development over other critical existing multiple uses. Implementation of this alternative could result in significant impacts to cultural resources, natural resources, and existing multiple uses within the County and the BLM's own RFD analysis shows that this much land is not warranted.

The County recommends that the BLM not adopt Alternative 2 and drop it from further analysis. See above rationale.

The County recommends that the BLM not adopt Alternative 3 and drop it from further analysis. See above rationale. This alternative should not be the BLM's Preferred Alternative given the level of potential conflict and impact within this County.

The County recommends that the BLM not adopt Alternatives 4 and 5 as part of this process, but rather use the initial analysis as a starting point for a District or State level planning effort. Despite these alternatives identifying much less overall acreage as "open for solar application" there are still considerable concerns with some of the areas that are open. Further, locally led refinement and planning is needed with the BLM, State, Counties, and major electrical providers such as NV Energy.

The County recommends that the BLM fully analyze and incorporate the Western Alliance, Smart from the Start Alternative (see attached) in any further solar planning effort. The County was disappointed that the BLM elected not to analyze this alternative. The County is generally supportive of this Alternative as it is consistent with County-adopted Plans and Policies. In particular, the County appreciates that the alternative focuses development on well defined "disturbed land" and lands that are "low conflict" with extensive requirements for consultation and coordination with local and state agencies / governments, as well as the proposed offset from agricultural and residential areas.

Exclusion Criteria:

The County is concerned that there isn't an Exclusion Criteria for sites that are incompatible with locally adopted plans and policies. Exclusion Number 7 touches on this by saying that, *All areas designated as no surface occupancy (NSO) in applicable land use plans. All ROW exclusion areas identified in applicable land use plans. All ROW avoidance areas identified in applicable land use plans to the extent the purpose of the ROW avoidance is incompatible with solar energy development.* However, this may not capture all local BLM exclusion areas as some are not mapped or there are areas identified by the County as not appropriate for solar development. This concern is further exacerbated by the outdated Carson City Consolidated RMP.

The County recommends adding an "unmapped" exclusion criterion for solar applications to be excluded from areas identified in locally adopted plans and policies (both BLM and local government). It would be incumbent for the Solar Applicant to coordinate with the County and BLM Field or District Office to ensure this condition was met prior to initiation of NEPA.

The County is concerned with Exclusion Number 6 for Greater and Gunnison Sage-grouse. There is a major omission in that this exclusion does NOT include the Bi-State Sage-grouse.

The County recommends that this document and exclusion clearly add Bi-State Sage-grouse and further state that all Bi-State Sage-grouse Habitat mapped by the State as Priority or General be EXCLUDED from solar application.

The County is concerned with Exclusion Number 9 for Big Game. The description currently reads, *All big game migratory corridors identified in applicable land use plans to the extent the land use plan decision prohibits utility-scale solar energy development. All big game winter ranges identified in applicable land use plans to the extent the land use plan decision prohibits utility-scale solar*

energy development. The Carson City Consolidated RMP is outdated and is missing most if not all of this critical information.

The County recommends that critical big game habitat areas and migration corridors rely on the most recent mapping provided by the State Wildlife Agencies, and any critical winter habitat and migration corridors should be EXCLUDED from solar development.

The County appreciates Exclusion Number 21 for "State or Area Specific Exclusions".

The County recommends adding the following areas to the list of specific areas EXCLUDED from solar application:

- Carson and Walker River Corridors;
- Within 1-mile of zoned agricultural or residential areas; and,
- Within 1-mile of State Parks, Recreation Areas, and Wildlife Management Areas.

The County also recommends that the BLM add a new Exclusion that excludes solar applications in hydrographic basins that are either over allocated or over appropriate as determined by the respective State Division / Department of Water Resources.

Reasonably Foreseeable Development Scenario (RFDS):

The County asks the BLM to list and map pending solar applications to disclose the current level of interest in solar development on BLM-managed lands. Further, the County questions how the RFDS for BLM-managed lands in Nevada is only 48,119 acres. The County would contend that it is monitoring three pending applications that would total a significant amount of that projected acreage. Finally, the County would ask that the BLM disclose how many new transmission lines would need to be developed under this RFDS. Transmission may be the biggest limitation to renewable energy development on public lands in this County and in the State of Nevada.

The County recommends that the BLM reassess its RFDS, and in doing so, include a map and listing of all pending solar applications by State and BLM District, as well as a preliminary analysis of how many new transmission lines would be needed to meet the RFDS.

Chapter 3 – Overview of PV Systems, Development Considerations, and Regulations; Chapter 4 – Affected Environment; and Chapter 5 – Environmental Impacts:

In general, the County is concerned about the general nature of the assessment (see previous comments regarding the scale of this planning effort) and the potential for this assessment to streamline or truncate future project-specific NEPA analysis.

The County supports Programmatic planning at the District or State level, rather than this regional / multi-state effort. The County further supports maintaining either the Variance Process in its entirety, or at minimum, the pre-NEPA requirement for project proponents to coordination with local governments.

Proposed Programmatic Design Features Under the BLM Action Alternatives:

The County appreciates inclusion of the Programmatic Design Features in Appendix B. However, with the BLM proposing to eliminate the Variance Process under all action alternatives, the County questions whether the BLM has an adequate mechanism to ensure that solar applications are ultimately located in areas that are not in conflict with locally adopted plans and policies. Currently, the B.9 Design Features for Lands and Realty states that "Project developers shall consult with the BLM in the early phases of the project planning to identify potential land use conflicts and constraints." Either this design features needs to be updated and strengthened or the BLM needs to add a new Design Feature for Project Planning and Consistency with Local Plans and Policies. As the County has pointed out in previous comments, none of the Action Alternatives are adequate in terms of completely identifying all appropriate local exclusions.

The County recommends requiring pre-application coordination with both the local BLM and County government. The current Variance Process includes a specific requirement for this consultation prior to initiation of NEPA (attached). This process could be incorporated into either the Design Features for Lands and Realty or a new Design Feature.

The County appreciates the opportunity to provide these comments and will continue to remain engaged. If there are any questions as to the comments provided, please contact County Manager, Andrew Haskin at (775) 463-6531.

Thank you,

David D. Hockaday

Dave Hockaday, Chair
Lyon County Board of Commissioners

JLD/el/ah/ca

cc: Governor Joe Lombardo
Jon Raby, Nevada State Director, BLM
Kim Dow, Carson City District Manager, BLM

Attachments: Natural Resources and Environment Chapter (5) of the Lyon County Master Plan
Energy Development Chapter (13) of the Lyon County Public Lands Policy Plan
Lyon County Concern with BLM Multi-State Planning Efforts
Western Alliance Smart from the Start Alternative
Variance Process from 2012 Final Solar PEIS

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The impact of future growth and development on Lyon County's natural resources and environmental quality is an issue of increasing public concern. Impacts accompanying population growth, such as new homes and commercial development, manifest themselves on the natural environment in many ways including:

- Reducing public access to open lands, lakes and rivers;
- Clearing of natural vegetation, and the loss of plant and wildlife habitat;
- Degradation of surface water quality in streams and rivers, and groundwater contamination;
- Air pollution;
- Encroachment into floodplains, areas of high wildland fire hazard and steep slopes;
- Increases in overall energy use and the use of fossil fuels;
- Disruption of natural water drainage systems; and
- Loss of scenic natural views.

Development to accommodate growth can occur without unduly threatening the County's natural resources and environmental quality if steps are taken to ensure that new development is designed and built in an environmentally sensitive and resource-conserving manner. Certain areas of Lyon County are more susceptible to environmental degradation or are more hazardous than others due to the presence of sensitive natural features or natural hazards. Future development should be directed away from sensitive and hazardous areas and guided to areas of the County where environmental impacts will be less detrimental.

Natural Resources and Environment

The proximity of the natural environment will continue to be an important part of life in Lyon County, where residents will enjoy sustainable supplies of clean water for drinking and agriculture; clean air; wildlife; access to rivers, lakes and public lands; scenic views, and dark night skies. Lyon County will work to reduce or mitigate natural and human caused hazards as identified in the Lyon County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) (https://www.lyon-county.org/DocumentCenter/View/8670/Lyon-County-MJHMP--FINALDec-10-2018).

Goals, Policies and Actions

Goal NR 1: Public Access

Public lands, lakes, and rivers in Lyon County will be easily accessible by residents and visitors for recreation and enjoyment.

Policy NR 1.1: Access Points

New development should not close off key access points to recreation areas and attractions such as public lands, lakes and rivers.

Strategies:

- Encourage private property owners and developers to dedicate easements that allow for public access to recreation areas and attractions, and provide incentives in the subdivision ordinance.
- Consider acquiring strategic lands where necessary to protect public access to key recreation areas.

Goal NR 2: Wildlife

Lyon County will maintain adequate habitat for viable populations of a variety of desirable wildlife species.

Policy NR 2.1: Protect Critical Wildlife Habitat

Lyon County will work to protect critical habitat that is necessary to maintain viable wildlife populations.

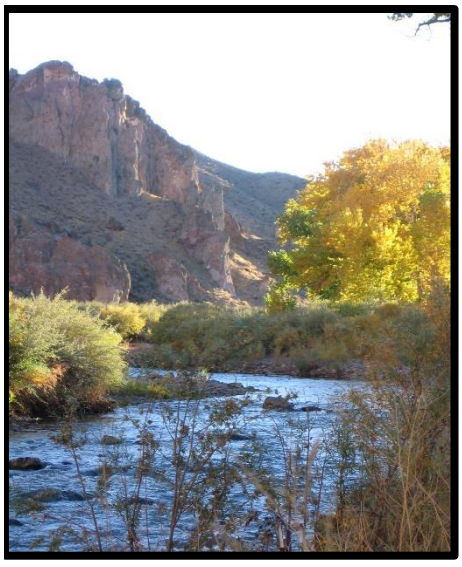
Strategies:

- Recognize species identified through community planning processes, such as wild horses and sage grouse, as species of community-wide importance, and prioritize habitat protection efforts and resources for these species.

- Identify the habitat of species of community-wide importance and identify critical habitat areas.
- Periodically review information and conditions to reveal changes in the range of species and amount of available habitat.
- Encourage land use patterns on private property that allows for new development while sustaining wildlife populations.
- Promote programs that educate residents about practices that can promote or endanger wildlife, such as waste disposal, land development, fencing, weed control, and others.
- Consider acquiring strategic habitat where necessary to protect, sustain, and allow migration of wildlife.

Goal NR 3: Clean Water

Adequate water supply will be available for current and future needs in Lyon County, including safe, healthy drinking water for all Lyon County residents.



Policy NR 3.1: Water Supply and Quality

Recognizing that clean water is a precious resource necessary to maintain our health, economy, and quality of life, Lyon County will protect the water supply and encourage efficient use of water resources.

Strategies:

- Maintain and expand the piped municipal water and sewer systems within the communities and urbanizing areas of the County.
- Control development density in semi-rural and rural areas to avoid contamination of wells by septic systems through adoption of density standards based on factors such as hydrology, soil structure, and other scientifically recognized parameters.

- Encourage a nitrate reduction program(s) to protect groundwater and public drinking water supplies.
- Encourage conservation and efficient use of water, through utility rate structure, landscaping standards, education, and other programs.
- Encourage each incorporated city to provide water and sewer to all new development within its area of influence.
- Require that new development install stormwater control features to offset increase in flood hazard created by development and facilitate groundwater recharge.
- Adopt low-impact development (LID) standards to reduce runoff and improve water quality.

Goal NR 4: Clean Air

Lyon County residents will have access to clean air.

Policy NR 4.1: Clean Air

Lyon county will continue to maintain and work to improve air quality

Strategies:

- Encourage compliance with federal and state air pollutant emissions standards.
- Encourage enforcement of dust control measures related to dust produced through development, construction, and cessation of agricultural production.
- Encourage reduced consumption of energy through lighting standards, incentives for efficient buildings, and education, and encourage development of low pollution energy resources.

Goal NR 5: Renewable Energy

Lyon County will encourage private efforts to develop and use renewable energy resources, such as solar and geothermal.

Policy NR 5.1: Geothermal, Solar and Wind

Lyon County will encourage utilization of available renewable energy resources, such as solar radiation, geothermal heat, and wind.

Strategies:

- Continue to encourage solar panels, geothermal, and small-scale wind turbines as permitted accessory uses on residential and commercial property in all compatible zoning districts.
- Identify sites in the county with significant solar, geothermal, or wind resources that may be suitable for future utility-scale development. Consider measures to encourage alternative energy development on these sites.

Goal NR 6: Natural Hazards

The County will work to prevent and reduce natural hazards to residents and businesses, including risks from flooding, wildfire, earthquakes, and dust.

Policy NR 6.1: Educate About Natural Hazards

Lyon County will strive to inform residents about natural hazards that exist in the county and how to reduce the risk that such hazards may pose, as identified in the Multi-Jurisdiction Hazard Mitigation Plan (MJHMP).

Strategies:

- Make information available about high natural hazard risks such as location of earthquake fault lines, floodplain areas, and high wildfire danger rating as identified in the Plan.
- Attempt to inform citizens when conditions are known to exist that can lead to substantial danger from hazards such as fire, earthquakes, flooding, or fugitive dust as identified in the Plan.
- Develop incentive programs and/or restrictions to minimize development in high hazard areas as identified in the Plan.

Policy NR 6.2: No Increase in Risk from Natural Hazards

To the extent possible, Lyon County will avoid or mitigate increased risk from natural hazards to persons or property that are caused by development.

Strategies:

- Limit new development on steep slopes, along seismic fault lines, and in flood-prone areas.
- Maintain floodplain management ordinance to restrict development within the floodway and floodplain.
- Continue to implement development standards that require stormwater control features in new subdivisions and new commercial and industrial development.
- Continue to implement provisions to reduce fire hazards in Urban-Wildland Interface areas in cooperation with the County's fire districts.
- Establish development buffer zones along all waterways and drainages subject to flooding.
- Continue to implement provisions that require hazardous fuels management and fire resistive

landscaping practices for development in Urban-Wildland Interface areas.

Goal NR 7: Open Space

Lyon County will identify and protect unique natural resources as permanent open space.

Policy NR 7.1: Unique Natural Resources

Identify unique natural resources of community-wide interest using the community planning process.

Strategies:

- Encourage and facilitate voluntary conservation easements on private property that protect unique natural resources.
- Continue to encourage and provide incentives for subdivision design that accommodates new development while protecting unique natural resources in accordance with the adopted zoning ordinance.
- Consider acquiring strategic open space where necessary to protect unique natural resources of community-wide interest.

Goal NR 8: Views

Lyon County will protect scenic views of mountain backdrops and dark skies.

Policy NR 8.1: Mountain Backdrop

Recognizing that views of the mountains in and around the county provide a unique scenic value for residents and visitors, Lyon County will strive to preserve such views.

Strategies:

- Continue to implement standards and incentives in the subdivision regulations so that streets, lots,

and buildings in new developments are aligned to maintain and maximize views of residences both within and around the new development.
- Restrict development on ridgelines and promontories to minimize impacts on the scenic quality of the mountain backdrop visible from existing and future communities in the County.
- Continue to implement setbacks, height limitations, or other regulations in urbanizing areas to minimize undesirable impacts to the views enjoyed by existing residences.
- As applicable, coordinate with the cities and counties that control lands outside the county that are part of the scenic backdrop, and with public agencies that regulate and manage lands within the county, and encourage them to maintain the scenic quality of these areas.

Policy NR 8.2: Dark Skies

Lyon County will minimize light pollution while allowing for adequate lighting for safety and security.

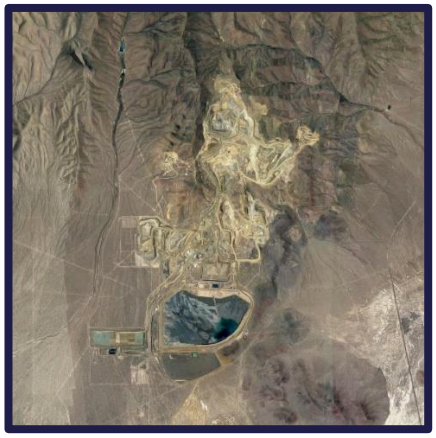
Strategies:

- Continue to implement lighting standards for commercial and industrial properties to address issues such as avoiding light intrusion onto neighboring properties, parking lot lighting scale and intensity, minimal security lighting outside of hours of operation, and similar.
- Update the zoning ordinance to ensure that the County will not provide or require street lights outside of communities and urbanizing areas.

Goal NR 9: Mining and Resource Extraction

Lyon County will promote the continued development of mineral and aggregate resources while working to prevent and reduce conflict between mining and other resource extraction activities and residential, commercial and industrial development.

Please note that Lyon County regulates land use on private property, which includes patented mining claims, but not projects on public lands. Lyon County is considered an "interested party" and provides comments on permits that are processed through the Bureau of Land Management (BLM) for mining permit applications on public lands and the Nevada Division of Environmental Protection (NDEP) Bureau of Mining Reclamation/Regulation permits for any future mining projects.



Policy NR 9.1: Guide Development

Lyon County will encourage development away from areas where minerals and aggregate extraction is currently occurring and where significant resources are known to exist.

Strategies:

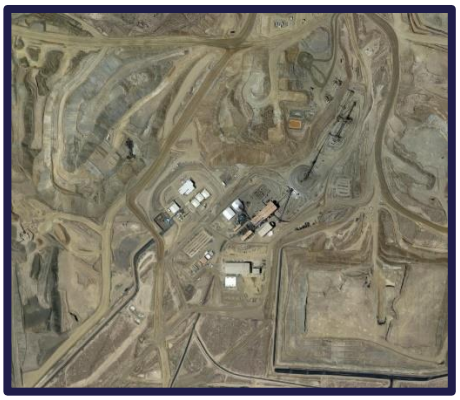
- Consider the location of known resources when reviewing new development.

Policy NR 9.2: Mining and Resource Extraction Education

Lyon County will encourage the distribution of information for residents regarding mining and other resource extraction activities that exist or may be developed in the county.

Strategies:

- Encourage mining operations to provide public education and information materials about hazards, hours of operations, traffic, etc.



Policy NR 9.3: Mitigate Operations

To the extent possible, Lyon County will require resource extraction projects to mitigate adverse operational impacts on such items as public infrastructure, traffic, agricultural operations, residential and commercial land uses, the visual character of the area, etc.

Strategies:

- Promote "limited impact"/environmentally safe resource extraction practices to protect the natural environment, enhance the quality of life of residents, and limit impacts on present and future public facilities and services.
- Work in close cooperation with the Nevada Division of Environmental Protection, Nevada Division of Minerals, and other regulatory agencies to help ensure that State laws and regulations are being adhered to during exploration, development, and reclamation activities associated with mineral extraction projects.

Policy NR 9.4: Mitigate long-term impacts

To the extent possible, Lyon County will promote long-term reclamation and rehabilitation of extractive sites.

Strategies:

- Require resource extraction projects to submit detailed long-term reclamation and reuse plans and to provide documentation of adequate funding mechanisms to implement plans

LYON COUNTY

PUBLIC LANDS POLICY

CHAPTER THIRTEEN - ENERGY DEVELOPMENT

The carefully planned development of energy resources within Lyon County is desirable for the state and County economy. The expansion of technological advances with all forms of energy cannot be overlooked in regards to public lands within Lyon County.

POLICIES:

13.1 Renewable and alternative energy should be a priority and utilized in a manner that compliments other resources and does not present negative impacts on agriculture, grazing, wildlife, property owner rights and the best interests of Lyon County's citizens.

13.2 Energy projects shall be developed in such a manner as to ensure balance and protection of other resources and historical uses of public lands.

13.3 Energy projects shall consider the potential for wildfires, impacts to county maintained roadways, public safety, emergency management and other services.

13.4 Lyon County intends to appropriately direct, adequately review and sufficiently mitigate energy development projects. To accomplish this task, special use permit applications for energy development projects require the submission of impact analyses information for review by Lyon County. The impact analyses information must include fire safety plans, public facility needs assessments, fiscal impact analysis, visual impact studies, transportation and drainage studies, impacts to cultural resources, and impacts to grazing, wildlife remediation and restoration plans. Other plans and studies may be required to provide sufficient information in order to mitigate impacts to the County or its communities. For major projects, a development agreement may be required.

13.5 Reclamation, Performance, and Decommissioning Bonding will be required for approval of all energy projects to assure adherence to applicable resource protection and mitigation and ensure structure removal after the useful life of the project has ceased.

13.6 Energy project development shall avoid or mitigate potential detrimental impacts to the County, identified as natural, visual, cultural, heritage, historic or recreational resources.

13.7 Public access to lands within and/or in the proximity of energy development projects shall be given a high priority when evaluating proposed energy projects. Traditional recreational, cultural, and other multiple use areas and their access shall not be unduly restricted.

13.8 Construction for projects shall adhere to adopted Lyon County codes, as well as design and development standards, including but not limited to noise.

Lyon County, Nevada
Concern with Bureau of Land Management Regionalized Planning Efforts

The Issue: Lyon County, Nevada is concerned that the BLM is currently engaged in two centralized, multi-state land use planning efforts that appear to violate both 1) the BLM's existing planning regulations, and 2) Congress's explicit prohibition of centralized, multi-state planning through its 2017 exercise of the Congressional Review Act,[1] which struck down the BLM's "Planning 2.0" regulations. These two planning efforts include:

1. The Draft Programmatic Environmental Impact Statement for Utility-Scale Solar Energy Development (DOI-BLM-HQ-3000-2023-00001-RMP-EIS); and,
2. The Greater Sage-Grouse Rangewide Planning Draft Resource Management Plan Amendment and Draft Environmental Impact Statement (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

Background: In 2016, in the waning days of the Obama administration, the BLM attempted to transform how the agency conducted land use planning under the Federal Land Management Policy Act (FLPMA) by writing new regulations which they called "Planning 2.0." Among the tried-and-true planning regulations the BLM hoped to discard through this rulemaking were 1) the allocation of planning responsibilities to *local* BLM authorities; 2) the geographic restriction of land use plans, revisions, and amendments to the *local* BLM administrative boundaries of Field, District, and State Offices.

The long-standing local emphasis of BLM land use planning had ensured that land use plans were tailored to the specific needs and concerns within individual Field Offices or Districts and guaranteed meaningful coordination between the State, Field, and District BLM agency personnel and local and state governments. Specifically, the pre-Planning 2.0 regulations required land use plans to be *administratively local*, that is, carried out by Field Managers with the oversight and approval of State Directors—

§ 1601.0-4 Responsibilities.

a) National level policy and procedure guidance for planning shall be provided by the Secretary and the Director.
b) State Directors will provide quality control and supervisory review, including plan approval, for plans and related environmental impact statements and provide additional guidance, as necessary, for use by Field Managers. State Directors will file draft and final environmental impact statements associated with resource management plans and amendments.
c) Field Managers will prepare resource management plans, amendments, revisions and related environmental impact statements. State Directors must approve these documents. 43 CFR § 1601.0-4 (emphasis added.)

Second, the pre-Planning 2.0 regulations ensured that the BLM's planning efforts would also remain *geographically local*, stipulating that:

> "A resource management plan shall be prepared and maintained on a resource or field office area basis, unless the State Director authorizes a more appropriate area." 43 CFR § 1610.1(b)

By contrast, in the Planning 2.0 rulemaking, the BLM attempted to eliminate both the local administrative and geographic focus of land use planning by centralizing all planning authority in the BLM's Washington D.C. headquarters and allowing centralized land use planning efforts to have potentially unlimited geographic scope. As the BLM explained in its preamble to Planning 2.0 in the Federal Register—

> *Responsibilities and Plan Boundaries*

[1] 5 U.S.C. §§801- 808.

Lyon County, Nevada
Concern with Bureau of Land Management Regionalized Planning Efforts

> "The proposed rule would explain the responsibilities for preparing or amending a resource management plan to acknowledge that planning areas may extend beyond traditional BLM administrative boundaries such as Field Offices or States. References to the "Field Manager" would be replaced with the "responsible official," as the BLM official responsible for preparing and amending a resource management plan. References to the "State Director" would be replaced with the "deciding official," as the BLM official responsible for supervisory review, including plan approval.
>
> The proposed rule would make the BLM Director responsible for determining the deciding official and the planning area for resource management plans and for plan amendments that cross State boundaries. For plan amendments that do not cross State boundaries, the deciding official would be responsible for determining the planning area." 81 Fed. Reg. 9675 (emphasis added.)

Lyon County, in coordination with others and the Nevada Association of Counties, strongly objected to the BLM's attempt to centralize and expand the geographic scope of land use planning through Planning 2.0. Among our many concerns was that Washington-driven, multi-state planning would eliminate meaningful state and local government participation as required under FLPMA and NEPA. As part of a broad effort to halt Planning 2.0, Humboldt County, Nevada, Commissioner Jim French testified before Congress stating our collective view that BLM land use planning must remain local, as did Jeff Fontaine, then the Executive Director of the Nevada Association of Counties [and others?].

On March 27, 2017, Congress struck down the BLM's Planning 2.0 rule through the Congressional Review Act. Under a Joint Resolution, Congress forbade (among its other provisions) Planning 2.0's centralized land use planning scheme and its authorization of unbounded multi-state planning areas. Under the CRA, Congress also forbade the BLM to issue "a new rule that is substantially the same" as Planning 2.0, "unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule." 5 U.S.C. § 801(b)(2). As a result, the pre-Planning 2.0 regulations (quoted above) were reinstated and remain in full force and effect today.

The Problem: Currently, the BLM is engaged in two centralized, multi-state planning efforts that appear to violate the BLM's existing planning regulations and Congress's CRA Joint Resolution. Both plan amendment efforts and their attendant NEPA EISs are being centrally prepared by the Washington D.C. Office,[2] not by Field Managers. Further, "quality control and supervisory review, including plan approval" is being provided primarily by the BLM's Washington D.C. Office, not State Directors. Finally, these centralized planning efforts have planning areas of 10 to 11 states (effectively the BLM's entire land portfolio) as opposed to covering one or several Field Office administrative areas. For these reasons, the above-mentioned planning efforts appear to violate the below provisions of the BLM's planning regulations (and connectedly Congress's CRA prohibition on centralized, multi-state planning):

- "**Field Managers** will prepare resource management plans, amendments, revisions and related environmental impact statements;"
- "**State Directors** will provide quality control and supervisory review, including plan approval […] for plans…;"
- "A resource management plan shall be prepared and maintained on a **resource or field office area** basis, unless the **State Director** authorizes a more appropriate area." 43 CFR § 1610.1(b)

Request: Lyon County is requesting that the BLM reconsider these planning efforts and re-direct them to a State or District level process.

[2] The BLM's Eplanning website states that the lead office for Utility-Scale Solar is HQ-300 and for GRSG is WO-230.

Western Alliance
Smart from the Start Alternative

I. The *Western Alliance Smart from the Start* alternative requires (in addition to programmatic resource-based exclusions) that solar development only occurs on public lands within ten (10) miles of existing or authorized utility transmission lines that are both "disturbed" and "low conflict" such that—

A. "Disturbed lands" are either:

1. Lands verified as having heavy anthropogenic disturbance (such as abandoned or reclaimed mining sites or lands that have been identified by a state or local land use plan as brownfields for redevelopment) or;
2. Lands verified as having greater than 40% invasive annuals and on which the ecological site description (ESD) and associated state and transition model (STM)/disturbance response group do not have a restoration pathway back to non-invasive vegetative communities.

B. "Low conflict lands" are lands that:

1. Are neither in "core" nor "growth" sagebrush areas (according to the USFWS Sagebrush Conservation Design), and;
2. Are set back by at least a mile-wide buffer zone from agricultural uses, homes, source water protection areas, important wildlife habitat (e.g. GRSG PHMA and GHMA), and cultural or historical resources, and;
3. Do not include lands identified in an applicable resource management plan (RMP) as suitable for disposal if disposal criteria include meeting local public purposes (including community expansion, recreation, and economic development), and;
4. Do not include important habitat connectivity zones or migration corridors, and;
5. Either do not have valid preexisting rights, permitted uses, or public access routes, or, if these are present, impacts to them are minimized and mitigated, and;
6. Are identified through consultation and coordination with relevant local and state government agencies as being appropriate for utility scale renewable energy development.

II. The *Western Alliance Smart from the Start* alternative will include a provision stating that lands mapped as being open to solar development (i.e. are mapped as "disturbed" and "low conflict") may be based on modeling and that specific project proposals must be reviewed on a case-by-case basis to ensure the proposed site meets all the above criteria. To summarize, under the *Western Alliance Smart from the Start* alternative, solar development land allocation maps provide an educated guess at which lands are open to solar development, but mapped designations must be confirmed by on-the-ground disturbance verification and coordination with local and state government agencies to confirm "low impact" status.

2.2.2.3 Proposed Variance Areas for Utility-Scale Solar Energy Development

To accommodate the flexibility described in the BLM's program objectives, the program alternative allows for responsible utility-scale solar development outside of SEZs. The BLM proposes to identify lands outside of proposed exclusion areas and SEZs as variance areas for utility-scale solar energy development. Variance areas would be open to application but would require developers to adhere to the proposed variance process (detailed in Section 2.2.2.3.1).

The proposed variance areas and associated variance process would only apply to utility-scale solar development, which is defined for the purposes of the Solar PEIS as projects capable of generating 20 MW or greater of electricity. All non-utility-scale solar energy projects, including distributed generation, would follow existing management prescriptions in BLM land use plans and be subject to individual site-specific NEPA analyses.

2.2.2.3.1 Variance Process

The variance process provides an opportunity for developers to propose applications outside of identified SEZs and complements the directed development approach in the program alternative. Variances may be needed in the near term because the lands identified as SEZs might be insufficient to accommodate demand for utility-scale solar development or may not have access to adequate transmission capacity to facilitate such development. In addition, there might be market, technological, or site-specific factors that make a project appropriate in a non-SEZ area. The variance process, however, is intended to be the exception rather than the rule.

The BLM will consider ROW applications for utility-scale solar energy development in variance areas on a case-by-case basis based on environmental considerations; coordination with appropriate federal, state, and local agencies and tribes; and public outreach. The responsibility for demonstrating to the BLM and other coordinating parties that a proposal in a variance area will avoid, minimize, and/or mitigate, as necessary, sensitive resources will rest with the applicant. The applicant is also expected to demonstrate that the proposed project is compatible with state and local plans and is capable of acquiring all required permits and authorities to implement the project. The USFWS and NPS have identified sensitive resources areas within variance areas that require special consideration as further described below. The BLM will use current information and best available science in its evaluation of ROW applications in variance areas.

In coordination with other agencies, the BLM will conduct preliminary screening of potential ROW applications in variance areas to assess likely conflicts with sensitive resources and will inform applicants of any anticipated issues with the siting of their project in a proposed location. ROW applications in variance areas will be deemed a lower priority for processing than applications in SEZs. The BLM will typically process ROW applications in variance areas on a first-come, first-served basis. However, the BLM has the discretion to apply competitive procedures to variance areas. In making this determination, the BLM may consider variables such as public interest, market demand for solar development in the region (including markets in

other states), expressions of interest from other parties, authorized use and/or ownership of adjoining lands, and the purpose of the project.

All ROW applications in variance areas that the BLM determines to be appropriate for continued processing (see Section 2.2.2.3.2) will, at the applicant's expense, be processed in compliance with NEPA and all other applicable laws, regulations, and policies. Applicants applying for a ROW in variance areas assume all risk associated with their application and should understand that their financial commitments in connection with their applications will not be a factor in the BLM's evaluation process.

Required Preliminary Meetings

The BLM will require prospective applicants in variance areas to schedule and participate in two preliminary meetings with the BLM before filing a ROW application (43 CFR 2804.10(a)). The purpose of the first preliminary meeting is to discuss the status of BLM land use planning in the area; potential land use and siting constraints; potential environmental issues in the area; NPS and USFWS sensitive resource maps and information; potential alternative site locations for the project; and the variance process itself, including cost-recovery requirements, application requirements, consultation requirements, public involvement requirements, and associated time lines. The purpose of the second preliminary meeting is to initiate and ensure early coordination with federal (e.g., NPS, USFWS, and DoD), state, and local government agencies and tribes as contemplated by the regulations (43 CFR 2804.10(b)). Cost-recovery fees will generally not be required for preliminary meetings.

Through these preliminary discussions, the BLM and coordinating agencies will identify the likely challenges in proceeding with an application in a proposed location and identify natural, visual, and/or cultural resource information that applicants would likely be required to gather to support the variance process. On the basis of internal review and collaboration with other agencies, the BLM may advise a potential applicant not to submit an application for a particular site and/or technology or to modify its proposed project. In providing such advice, the BLM will consider factors including, but not limited to the following:

- Lands within an SEZ are sufficient to meet the potential applicant's needs, including adequate access to available transmission.

- The proposed project will be in conflict with landscape conservation strategies and/or landscape protection, conservation, or restoration objectives established in documents such as the DRECP or an applicable RMP.

- The proposed project poses a high potential for conflict with sensitive natural, visual, and/or cultural resources identified by the BLM, NPS, and/or USFWS.

ROW Applications in Variance Areas – Process

Following completion of the preliminary meetings described above, an applicant seeking to develop a project in a variance area will be required to submit a ROW application to the BLM (Form SF-299, Application for Transportation and Utility Systems and Facilities on Federal Land). The POD submitted with an application must be of sufficient detail (as determined by the BLM) to evaluate the suitability of the site for utility-scale solar energy development. Solar ROW applications in variance areas will typically be required to include a description of the proposed solar technology and the proposed location of solar panels or reflectors, buildings, and other infrastructure such as transmission lines and roads. Additional specific information required for an application in a variance area is outlined below. The BLM will determine if and when the information is of sufficient detail to initiate coordination activities as described below.

Upon submission and BLM review of a ROW application, a cost-recovery agreement will be established with the applicant (43 CFR 2804.14). An applicant for a ROW in a variance area must establish a cost-recovery account sufficient to cover all costs of the United States associated with accepting, reviewing, and processing the application, including, but not limited to conducting environmental review and related consultations; conducting inventories for resources such as cultural resources, visual resources, and special status species; and inspecting and monitoring the construction, operation, and decommissioning of the proposed ROW facility.

ROW Applications in Variance Areas – Factors To Be Considered

Applicants for utility-scale solar energy development ROWs in variance areas will be required to adhere to the data collection and survey protocols prescribed by resource agencies, including, but not limited to, those outlined below. The BLM will consider a variety of factors when evaluating ROW applications and associated data in variance areas. The focus of the proposed variance process is on collecting the right data and evaluating it with the right parties to assess the appropriateness of a given proposal, rather than on a prescriptive set of measures that would be established at the programmatic level. The BLM believes that this approach allows flexibility to adapt as data and science improves, recognizes the variability and trade-offs associated with individual applications, and allows for satisfactory protection of resources of concern.

The BLM will consider the following factors, as appropriate, when evaluating ROW applications in variance areas:

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

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

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

- Documentation that the proposed project can meet applicable programmatic design features adopted in the Solar PEIS ROD (see Section A.2.2 of Appendix A).

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

- Documentation of the financial and technical capability of the applicant, including, but not limited to:
  - International or domestic experience with solar projects on either federal or nonfederal lands,
  - Sufficient capitalization to carry out development, monitoring, and decommissioning, including the preliminary study phase of the project and the environmental review and clearance process.

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

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

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

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

- If applicable, documentation that the proposed project will be located in an area identified as suitable for solar energy development in an applicable BLM

land use plan and/or by another related process such as the California DRECP (e.g., Development Focus Areas) or Arizona RDEP (e.g., REDAs).

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

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

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

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

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

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

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

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

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

- *Desert Tortoise*

  Designated desert tortoise conservation areas will be excluded from BLM's proposed Solar Energy Program (see Section 2.2.2.1). These areas include, but are not limited to, critical habitat for desert tortoise and specially designated areas such as BLM-designated ACECs that specifically identified desert tortoise as one of the Relevant and Important Values, National Parks, National Recreation Areas, and NWRs.

  The USFWS has identified certain other areas that may be important for desert tortoise connectivity (i.e., priority desert connectivity habitat). Recovering desert tortoises throughout their range requires that conservation areas be connected by habitat linkages in which tortoises reside and reproduce. Such areas will need to be free of large-scale impediments from anthropogenic activities. Since publication of the Supplement to the Draft Solar PEIS, the BLM is proposing to exclude from the proposed Solar Energy Program an additional 515,000 acres (2,084 km^2) of land that coincides with priority desert tortoise connectivity habitat (see Table 2.2-2, Exclusion 32).

  Maps and supporting information regarding priority desert tortoise connectivity habitat will be made available through the Solar PEIS project Web site (http://solareis.anl.gov).[6] Developers that propose utility-scale solar energy projects in variance areas that overlap priority desert tortoise connectivity habitat identified on USFWS maps will be required to meet with the BLM and USFWS early in the process as part of the previously mentioned preliminary meetings to receive instructions on the appropriate desert tortoise survey protocols and the criteria the BLM and USFWS will use to evaluate results of those surveys (see outline below). Applicants will be required to work with the BLM and USFWS to survey an appropriately sized area (which may be 3 to 4 times larger than the proposed project area) in an attempt to find a suitable project location or configuration that minimizes impacts on desert

[6] The USFWS expects to update its map of priority connectivity habitat to reflect new information about desert tortoise connectivity habitat. The USFWS will make these map updates available through the Solar PEIS project Web site (http://solareis.anl.gov). These updates to USFWS maps will provide the public with current information regarding USFWS and BLM considerations under the variance process. Any amendment of applicable land use plans, including a decision by the BLM to exclude additional lands from future solar energy development, would follow compliance with all applicable BLM land use planning procedures.

tortoises. The BLM and USFWS will discourage applications in the highest priority areas given anticipated high conflict, higher survey costs, and high mitigation requirements.

- Tortoise density and distribution surveys. Desert tortoise density and distribution surveys will be conducted consistent with approved survey protocols (http://www.fws.gov/ventura/species_information/protocols_guidelines/index.html) and will be conducted by USFWS-approved desert tortoise authorized biologists unless the USFWS determines authorized biologists are unnecessary(http://www.fws.gov/ventura/ species information/protocols_guidelines/index.html). The spacing and intensity of surveys will be determined in consultation with the BLM and USFWS. Two consecutive survey passes of the potential project development area will be surveyed with the transects in the second pass oriented 90 degrees from those walked in the first pass. Once a refined project site has been selected within the larger survey area, additional surveys could be recommended to ensure effective avoidance of desert tortoises.
- Habitat quality analyses. Evaluate the presence and condition of native vegetation communities (including herbaceous plants), soils, and so forth in the survey area.
- Tortoise connectivity studies. The methodologies for connectivity studies must be approved by the BLM and USFWS and peer-reviewed by an accredited scientist prior to data collection. A first study should demonstrate that the linkage area and adjacent Tortoise Conservation Areas (TCAs) contain suitable tortoise habitat of sufficient size to support desert tortoise populations. If sufficient habitat is present, a second study should demonstrate that demographic and genetic connections can be maintained once the proposed project is developed. This should include evaluating existing barriers to connectivity and opportunities for tortoise-to-tortoise interactions at a local and regional scale and the availability of "live-in habitat."
- Corridor width evaluation. Using the site-specific data collected, including desert tortoise density and distribution (from protocol surveys), habitat quality analysis, and the desert tortoise connectivity evaluation, an applicant should identify corridors that will adequately maintain the connectivity around the proposed project. Such corridors must be approved by the BLM and USFWS.
- Survey for areas suitable for tortoise translocation if applicable.

In evaluating information provided by an applicant, the BLM and USFWS will consider cumulative effects and landscape-level information consistent with desert tortoise recovery goals and objectives and best available science to determine if a project will result in acceptable impacts on desert tortoise. The applicant must provide documentation to the satisfaction of the BLM and USFWS of the following, unless a project is otherwise determined by the BLM and USFWS to have acceptable impacts on desert tortoise:

- The project can be sited and constructed to allow for adequate connectivity corridors as determined by the BLM and USFWS that ensure that the project does not isolate or fragment tortoise habitat and populations;
- The proposed site contains low tortoise densities consistent with best available information for the subject geographic area, including data on local desert tortoise densities, when available, and data from the long-term USFWS rangewide monitoring of the Mojave Population of the desert tortoise (http://www.fws.gov/nevada/desert_tortoise/dt_reports.html);
- The project will result in minimal translocation of adult and sub-adult tortoise to acceptable locations (>160 mm Midline Carapace Length) as determined by the BLM and USFWS[7];
- Any necessary mitigation will improve conditions within the connectivity area, and if these options do not exist, necessary mitigation will be applied toward the nearest tortoise conservation area (e.g., ACEC for which tortoise had been identified in the Relevant and Important Criteria or critical habitat); and
- A plan is in place to effectively monitor desert tortoise impacts, including verification that desert tortoise connectivity corridors are functional. The required ESA consultation will further define this monitoring plan.

• *Greater Sage-Grouse*

Greater sage-grouse habitat (i.e., currently occupied, brooding, and winter habitat) as identified by the BLM in California, Nevada, and Utah will be excluded from BLM's proposed Solar Energy Program (see Section 2.2.2.1).

Developers that propose utility-scale solar energy projects in variance areas that overlap the range of the greater sage-grouse, will be required to provide documentation of the following, unless a project is otherwise determined by the BLM and USFWS and appropriate state wildlife agencies to have acceptable impacts on greater sage-grouse[8]:

- Project is at least 4 mi (6 km) from the nearest lek;
- Project will not adversely affect Preliminary Priority Habitat; and
- Project will be mitigated through land acquisition or habitat enhancement at a ratio of at least 1:1 for any impact on Preliminary General Habitat as determined by accepted standards of habitat analysis (e.g., habitat

7 For additional information on the criteria the USFWS will use to assess impacts on desert tortoise and desert tortoise connectivity habitat, see http://www.fws.gov/cno/energy.html.

8 Preliminary Priority Habitat (PPH) comprises areas that have been preliminarily identified as having the highest conservation value to maintaining sustainable greater sage-grouse populations. These areas would include breeding, late brood-rearing, and winter concentration areas. Preliminary General Habitat (PGH) comprises areas of occupied seasonal or year-round habitat outside of priority habitat. PPH and PGH have been preliminarily identified by the BLM in coordination with respective state wildlife agencies (BLM 2011c).

equivalency analysis [HEA]) and in coordination with the USFWS and the appropriate state wildlife agencies.

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

  The construction and operation of utility-scale solar energy projects and related transmission infrastructure near units of the National Park System and other special areas administered by the NPS, including National Historic Trails, may significantly affect park programs, resources, and values. For example, ecological resources (such as habitat and migration of species) and physical resources (such as wind, water, air, and scenic views) cross park boundaries, and park boundaries often do not represent all of the natural resources, cultural sites, and scenic vistas that make up resources and the quality of the park visitor's experience in these special places.

  The NPS has identified areas within the proposed variance areas where utility-scale solar development poses a high potential for conflict with the natural, cultural, and/or visual resources administered by the NPS. Since publication of the Supplement to the Draft Solar PEIS, the BLM is proposing to exclude from the proposed Solar Energy Program an additional 821,000 acres (3,322 km^2) of land that coincides with NPS-identified areas of high-potential conflict (see Table 2.2-2, Exclusion 32).

  Maps and data documenting areas of high-potential conflict with National Parks, historic trails, and other areas under NPS administration will be made available through the Solar PEIS project Web site (http://solareis.anl.gov).[9] This information will promote public awareness and notify industry where additional documentation may be required to proceed with an application in variance areas. The maps and data are regarded as a first-order approximation of landscape-scale conditions and potential resource conflict and will be updated as new information and analytical tools are developed.

  The BLM will utilize these maps and data in the screening of proposed solar energy projects in variance areas (these data may also be useful in evaluating projects in SEZs as well, see Section 2.2.2.2.2). In cases where a utility-scale solar energy development ROW application is submitted in a variance area identified as having a high potential for conflict with the resources of a unit of

[9] Maps and data document areas of high potential for conflict with sensitive natural and cultural resources near 33 National Parks and one National Historic Trail. The NPS intends to update its maps and data to reflect new information regarding potential conflicts associated with units of the National Park System and other special areas administered by the NPS. The NPS will make updated maps and data available through the Solar PEIS project Web site (http://solareis.anl.gov). These updates to NPS maps and data will provide the public with current information regarding NPS and BLM considerations under the variance process. Any amendment of applicable land use plans, including a decision by the BLM to exclude additional lands from future solar energy development, would follow compliance with all applicable BLM land use planning procedures.

the National Park System or special areas administered by the NPS, additional documentation will be required. This documentation may include information to verify any or all of the following potential resource conditions resulting from the proposed project:

- Increased loading of fine particulates (criteria pollutants: $PM_{2.5}$ and PM_{10} [particulate matter with a diameter of 2.5 µm or less and 10 µm or less, respectively]) and reduced visibility in Class I and sensitive Class II areas;
- Vulnerability of sensitive cultural sites and landscapes, loss of historical interpretative value due to destruction or vandalism;
- Altered frequency and magnitude of floods, and water quantity and quality;
- Reduced habitat quality and integrity and wildlife movement and/or migration corridors; increased isolation and mortality of key species;
- Fragmentation of natural landscapes;
- Diminished wilderness, scenic viewsheds, and night sky values on landscapes within and beyond boundaries of areas administered by the NPS; and
- Diminished cultural landscape qualities within and beyond boundaries administered by the NPS.

The documentation provided by an applicant must be sufficiently detailed as determined by the BLM and NPS. The documentation should represent the findings of science and the analyses of scientifically trained specialists in the appropriate natural, visual, and/or cultural resource disciplines. The NPS will prepare a response to the BLM as to (1) whether the proposed project meets NPS protection, conservation, and/or restoration objectives; and (2) whether the resource conflict documentation is adequate to support a finding by the NPS and BLM that the proposed project is likely to avoid a high potential for conflict with resources and values associated with a National Park or other special status area under the administration of the NPS.

The NPS will continue to refine data for determining resource conflict and provide this information to the BLM for use in the variance process. The NPS will assist the BLM in identifying alternate project locations, if there is insufficient information to verify potential resource conflict with sensitive resources and values of National Park and other NPS special status areas. In all cases, evaluations will be performed to ensure that natural, visual, and cultural resources of units of the National Park System and other special areas administered by the NPS are protected.

Public Outreach

To sufficiently gather information on potential issues and barriers and/or opportunities related to a ROW application in a variance area, the BLM will require that a minimum of one

public meeting be held as part of the variance process to allow for participation by all interested parties. The public meeting shall be located in close proximity to the community most affected by the proposal and be adequately noticed. This variance process requirement for a public meeting will occur before the NEPA process is initiated; comments received, however, may be used to inform the NEPA process for projects that the BLM decides to continue to process (see Section 2.2.2.3.2). The BLM will also make information regarding ROW applications in variance areas available to the public online via the BLM Web site (www.blm.gov) and the Solar PEIS project Web site (http://solareis.anl.gov).

BLM Coordination Activities

As part of the variance process, the BLM will coordinate with appropriate federal, state, and local government agencies and tribes. The review of ROW applications in coordination with these other entities will help the BLM determine the potential for impacts on important resources; explore ways to avoid, minimize, and/or mitigate such impacts; and ensure consistency with relevant plans, policies, and initiatives. Coordination activities will include:

- Consultation with tribes. Government-to-government consultation with tribal staff will provide opportunities for tribes to identify traditional cultural properties and sacred sites with applications in variance areas. Tribes will be invited to attend pre-application meetings with the applicant and the BLM. On the basis of information and discussions arising from the pre-application meetings, the BLM will determine whether there is a need for new ethnographic research to provide sufficient information to adequately consider the effects of solar development on issues and resources of concern to tribes. BLM field office cultural staff, including specialists assigned to Renewable Energy Coordination Offices where present, in consultation with their Deputy Preservation Officer, shall recommend to responsible BLM line officers whether to collect additional ethnographic data for a given solar application. Should new ethnographic research, studies, or interviews be recommended, the BLM cultural staff, in consultation with tribal officials, will provide guidance to BLM line officers about the appropriate scope of that work, provisions for safeguarding data confidentiality, and programs of mitigation.

- Coordination with the SHPO. The BLM will consult with the SHPO to determine the steps required to identify historic properties in the area of effect for the ROW application. Additional inventories may include Class II or Class III surveys in areas of direct and indirect effect depending on the potential for impacts. On the basis of the results of the inventory, determinations of eligibility of sites to the NRHP, determinations of effect, and programs of mitigation would be approved by the BLM and carried out by the applicant prior to ground disturbance.

- Coordination with state fish and wildlife agencies.

- For applications in the DRECP planning area, the BLM will coordinate with California REAT agencies (BLM, USFWS, CDFG, and CEC) to ensure consistency with any DRECP reserve and development area designs. The REAT agencies will evaluate applications in areas proposed for development, focus areas, and areas proposed for reserves on a case-by-case basis. The REAT agencies will consider the best available information, including data generated as part of the DRECP planning effort. The BLM may choose to defer or modify projects on a case-by-case basis if it determines that approval of the proposed project would harm resource values so as to limit the choice of reasonable alternative actions in the DRECP (H-1601-1 – Land Use Planning Handbook [BLM 2005]).

- Coordination with the NPS to assess the potential for impacts on the resources and values of units of the National Park System and other special status areas under NPS administration (e.g., National Scenic or Historic Trails).

- Coordination with the NPS, USFS, and/or the BLM National Trails System Office charged with trail-wide administration or management for National Scenic or Historic Trails to review inventory adequacy or needs, and to assess potential adverse impacts on trails (see Section A.2.2.23 of Appendix A for inventory requirements). Coordination is also required with the study agency for trails recommended as suitable in congressionally authorized Trail Feasibility Studies or trails undergoing such study. Coordination is also required with nonprofit national trail organizations for trails subject to exclusion provisions. Other related program coordination requirements must also be met, such as for cultural resources, recreation and visitor services, visual resources, or NLCS.

- Coordination with the USFWS on any application that could result in impacts on ESA-listed species and their habitat (including, but not limited to, desert tortoise and sage-grouse), bald and golden eagles, and migratory birds.

- Coordination with state and local (county and/or municipal) governments to determine compatibility with officially adopted plans and policies (e.g., comprehensive land use plans, open space plans, conservation plans) and permit requirements (e.g., special use permits).

- Consultation with the DoD. The BLM will consult the DoD to minimize and/or eliminate impacts on military operations and encourage compatible development. This consultation will include both general discussions for early planning and detailed assessments of specific proposals at the local level. The BLM will accept formal DoD submissions once they have been vetted through both the Military Departments and the DoD Siting Clearinghouse.

- Coordination with the USACE.

- Coordination with the EPA.

- Coordination with state and regional transmission planning efforts (e.g., WGA, Nevada Renewable Energy Transmission Access Advisory Committee, New Mexico Renewable Energy Transmission Authority), transmission coordination authorities (e.g., WECC), state energy offices, and transmission system operators to identify any transmission issues associated with the proposed project (e.g., capacity and land use considerations).

- Coordination with railroad industry to determine potential for impacts on railroad ROWs and railroad operations.

- Coordination with any potentially affected grazing permittee/lessee to discuss how the proposed project may affect grazing operations and address possible alternatives, as well as mitigation and compensation strategies.

- Coordination with existing ROW holders to determine potential impacts on existing BLM authorizations.

- Coordination with the owner of any federal mining claims and/or mineral leases located within the boundaries of the proposed project to determine the potential for impacts on mining claims and/or mineral leases and discuss ways to avoid, minimize, or mitigate such impacts.

2.2.2.3.2 Variance Process Determination

The BLM has determined that, in appropriate circumstances, it can rely on the broad discretion it has under FLPMA to deny ROW applications without completing the NEPA process. Such decisions must be made with regard for the public interest and be supported by reasoned analysis and an adequate administrative record. Decisions to deny pending applications must be assessed on a case-by-case basis. Denial of an application constitutes a "final agency action" and is therefore subject to administrative appeals to the IBLA.

On the basis of a thorough evaluation of the information provided by an applicant and the input of federal, state, and local government agencies, tribes, and the public, the BLM will determine whether it is appropriate to continue to process, or to deny, a ROW application submitted through the variance process. Variance evaluations will be conducted and documented at the BLM state and field office levels. To ensure a consistent application of the variance process, all ROW applications in variance areas that are determined to be appropriate for continued processing will be submitted by the BLM State Director to the BLM Washington Office for the Director's concurrence.

ROW applications in variance areas that the BLM determines to be appropriate for continued processing will generally be processed, at the applicant's expense, in compliance with NEPA and all other applicable laws, regulations, and policies, including but not limited to the

ESA, the NHPA, and the NPS Organic Act of 1916. Many of the actions taken under the variance process, however, could be incorporated into subsequent requirements such as NEPA. Proposed projects in variance areas will require consideration of alternatives and will likely result in EIS-level NEPA documentation. Compliance with applicable laws, regulations, and policies could result in substantial changes to a project proposal or application denial.

2.2.2.4 Land Use Plans To Be Amended

Land use plans in the six-state study area would be amended under the program alternative to incorporate the planning elements of the proposed Solar Energy Program. Table C-1 of Appendix C lists all of the land use plans to be amended. The amendments would identify (1) lands that would be excluded from utility-scale solar energy development, (2) lands to be included in SEZs, and (3) lands that would be identified as variance areas for utility-scale solar energy development. The land use plans would also be amended to adopt the programmatic design features and SEZ-specific design features.

2.2.3 SEZ Program Alternative

Under the SEZ program alternative (referred to as "SEZ alternative"), the BLM would restrict utility-scale solar energy development applications to SEZs only and identify all other lands as exclusion areas for utility-scale solar energy development. Under the SEZ alternative, all proposed ROW authorization policies described above in Sections 2.2.1.1 and under the program alternative (Section 2.2.2.2.1) would apply to new applications in SEZs. Over time, under the SEZ program alternative, new or expanded SEZs would be identified following the SEZ identification protocol outlined in Appendix A (see Section A.2.6 of Appendix A).

2.2.3.1 Proposed Right-of-Way Exclusion Areas

Under the SEZ alternative, all areas outside of proposed SEZs would be identified as exclusion areas for utility-scale solar energy development. No lands would be identified as variance areas for utility-scale solar energy development.

2.2.3.2 Proposed Solar Energy Zones

The proposed SEZs to be carried forward into the Final Solar PEIS under the SEZ alternative are the same as those described under the program alternative (see Section 2.2.2.2). The BLM has carried forward 17 proposed SEZs totaling approximately 285,000 acres (1,153 km^2) of land potentially available for development (see Table 2.2-3). New or expanded SEZs would be identified following the SEZ identification protocol outlined in Appendix A (see Section A.2.6 of Appendix A). As described previously, the BLM has initiated efforts to identify new SEZs that are outside of the Solar PEIS but consistent with the principles outlined in the Solar PEIS (see Section 2.2.2.2.6).