

U.S. Department of the Interior
Bureau of Land Management

Western Solar Plan

Utility-Scale Solar Energy Development Final Programmatic Environmental Impact Statement

DESERT TORTOISE MANAGERS OVERSIGHT GROUP UPDATE

October 3, 2024





CONTENT

- Partial summary of adjustments between Draft PEIS-Preferred Alternative (Alt 3) and Final PEIS-Proposed Plan based on comments
- Proposed Plan land allocation acreages
- Mojave desert tortoise exclusions
- Programmatic design features for T&E species and specific to Mojave desert tortoise
- Proposed Plan next steps

The decision-making process remains ongoing and the decision in the ROD may be different from the preferred alternative in the Final PEIS, including because of issues raised during the protest period and Governors' consistency review.



DRAFT PEIS-ALT 3 TO FINAL PEIS-PROPOSED PLAN

- Design features
- Transmission proximity
- ESA listed species
- Pending applications
- Mojave desert tortoise



Draft:

- Organized by project stage and resource
 - General
 - Siting/Construction
 - Operation/Maintenance
 - Decommissioning
- Repetition of requirements for each project stage
- Primarily one size fits all

Final PEIS:

- Organized by category and resource
 - Category 1:** mandatory, plan-wide
 - Category 2:** mandatory, resource-specific (required if the resource is present)
 - Category 3:** Project Guidance
- Appendix B
- Designed to be flexible for site specific conditions



TRANSMISSION PROXIMITY

Draft:

- 10 miles from existing and planned transmission lines and existing corridors
 - Preferred Alternative, Alternative 3
- Considers lines of 100vk capacity and larger

Final PEIS:

- 15 miles from existing and planned transmission lines and existing corridors
- Considers lines of 69kv capacity and larger



Draft:

Excluded:

- Designated and proposed critical habitat for species under USFWS jurisdiction
 - same as 2012 WSP
- All known occupied habitat for ESA-listed species
 - Not mapped

Final PEIS:

Excluded:

- Designated and proposed critical habitat for species under USFWS and NMFS jurisdiction
- Mapped areas for 40 specified ESA-listed species (in addition to critical habitat)
- Design feature to avoid impacts; impacts no greater than minor, where not excluded
 - ER-1sss - mandatory resource specific



Draft:

- Noted that the BLM might choose to exempt some or all pending applications from the management actions and plan amendments to be made

Final PEIS:

An application submitted before the ROD would belong to one of three groups depending on the BLM's progress in processing and reviewing the application.

- Fully Exempt
- Partially Exempt
- Not Exempt

Fully Exempt – Applications would not be subject to any decisions made in the Solar Programmatic EIS ROD (i.e., exempt from land use allocations and design features) if:

- BLM published a Draft EIS or EA by August 30, 2024, or
- BLM issues a final decision on the application before the Solar Programmatic EIS ROD



Final PEIS, continued:

Partially Exempt – Applications that do not meet Fully Exempt criteria but meet at least **one** of the five criteria below, applications will be:

- Exempt from land use allocations
 - Must comply with design features
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- Cost Recovery Agreement executed by April 18, 2024
 - By August 30, 2024:
 - Lease issued in a designated leasing area with needed ROW amendment
 - Preferred applicant identified in a competitive process
 - Two preliminary application review meetings held
 - NEPA initiated with NOI for EIS or EA scoping

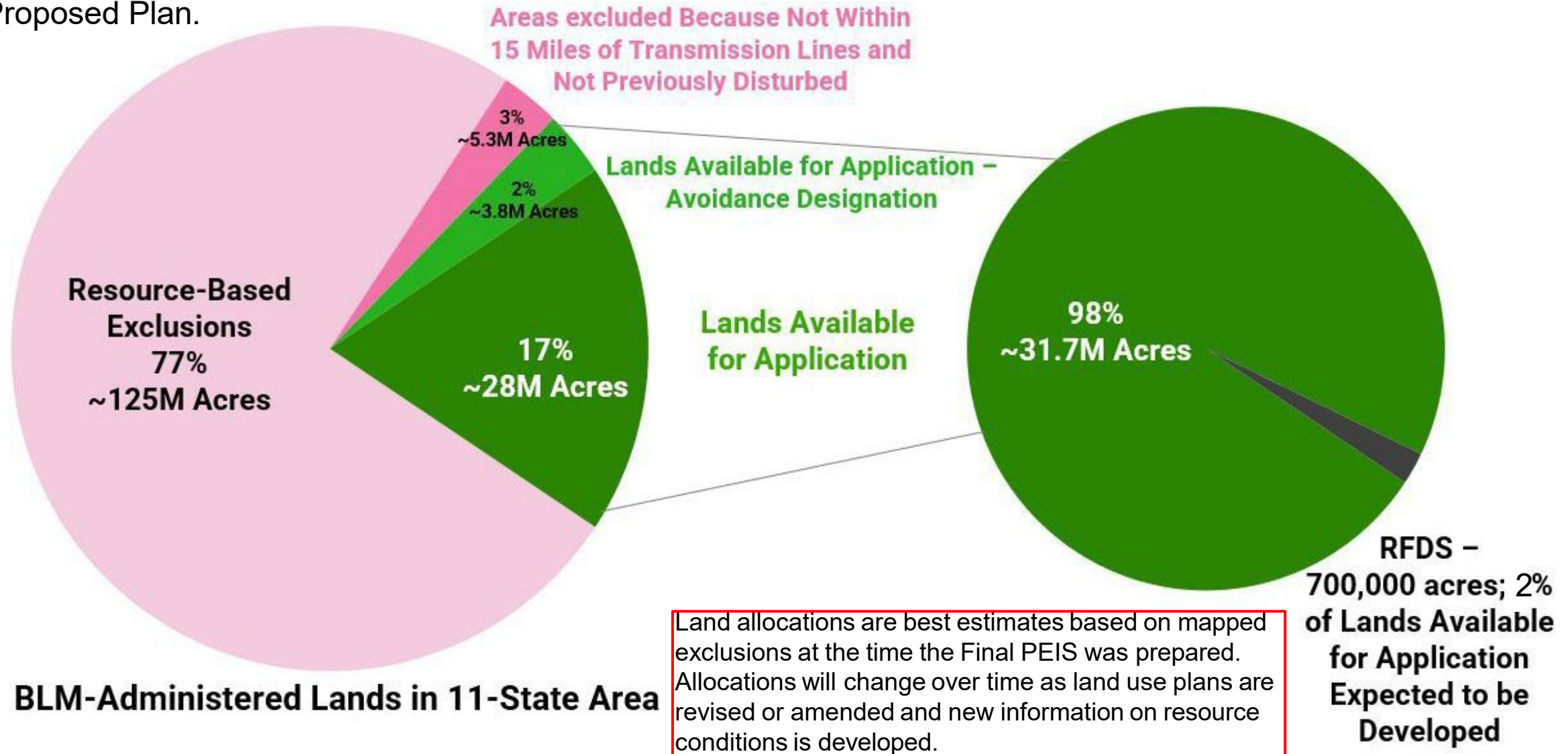
Not Exempt – Applications that do not meet the criteria for Fully Exempt or Partially Exempt

- Must comply with all requirements, including land use allocations and design features, in the Solar Programmatic EIS ROD



PROPOSED PLAN – BY THE NUMBERS

Figure 6-1. Relative Areas of BLM-Administered Lands Excluded and Available for Application under the Proposed Plan.





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Mojave Desert Tortoise Exclusion Land Use Allocations and Design Features Final PEIS – Proposed Plan



10/03/2024



PRIMARY PLAN-WIDE EXCLUSION LAND ALLOCATIONS THAT BENEFIT DESERT TORTOISE

- Areas of Critical Environmental Concern
- National Conservation Lands
 - National Monuments
 - Wilderness
 - Wilderness Study Areas
- Slope less than 10%



MOJAVE DESERT TORTOISE SPECIFIC PROPOSED EXCLUSION LAND ALLOCATIONS

- Designated critical habitat
- Translocation areas
 - known and future likely locations
- Augmentation areas
- Key research areas
- Connectivity areas
- Climate change refugia



MOJAVE DESERT TORTOISE PROPOSED EXCLUSION LAND ALLOCATIONS NUMBERS

- **Excluded** – Designated critical habitat
 - 567,000 acres
- **Excluded** – Mojave desert tortoise habitat requested by USFWS
 - 843,460 acres
- **Excluded** – Mojave desert tortoise habitat overlapping with other proposed exclusions (e.g., slope, NCL, etc.)
 - 2,233,000 acres
- **Total Proposed Exclusions ~3,600,000 acres**
- **USFWS requested ~3,900,000 acres**



MOJAVE DESERT TORTOISE PROPOSED DESIGN FEATURES

ER-1sss – For ESA listed species: avoid impacts; impacts no greater than minor

ER-15sss-Project must maximize the functionality of Mojave desert tortoise habitat on site

ER-16sss Projects must maintain existing desert tortoise habitat to facilitate occupancy and connectivity.

ER-17sss Grading within Mojave desert tortoise habitat must be kept to the minimum size necessary for the project design, preferably around 15% of the project site.

ER-18sss If native desert vegetation has established and is being managed and maintained as habitat for Mojave desert tortoise inside the project site, the tortoise exclusion fencing will be removed to allow tortoise reoccupation of the project site.

ER-19sss Riprap must be small enough for a juvenile tortoise to move through without becoming entrapped.

ER-20sss On project sites designed to facilitate Mojave desert tortoise reoccupation, burrows in existence prior to construction shall be flagged and avoided.



PROPOSED PLAN – Next Steps

30 – Day Protest Period

- Protest period began on August 30, 2024
- Protest period closed September 30, 2024.
- Submitted comments/protest are evaluated for valid protests.
- Protests will be addressed and resolved.
- Protest Report published in December.

60 – Day Governors' Plan Consistency Review

- BLM State Directors submitted Solar Final Programmatic EIS to Governors between August 27th and August 29th.
- Governors have 60 days to identify inconsistencies with State and local plans, policies and programs, and then provide recommendations to the BLM State Directors.
- The BLM State Director will provide a written response to the Governor accepting or rejecting the recommendation(s).
- Governors have 30 days to appeal to the BLM Director.



Record of Decision

- Protest resolution complete.
- Governor's Plan consistency review complete.
- Endangered Species Act section 7 consultation complete.
- National Historic Preservation Act / sec. 106 consultation complete.
- BLM Issues a Record of Decision – December 2024

A wide-angle photograph of a solar farm at sunset. The sun is low on the horizon, casting a warm orange glow over the scene. In the foreground, rows of solar panels are visible, with the one closest to the camera reflecting the bright light of the setting sun. The panels are mounted on metal frames. In the background, a range of mountains is silhouetted against the bright sky. The overall atmosphere is serene and highlights the scale of the renewable energy project.

[EplanningUi \(blm.gov\)](#)

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