



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 19 2018

Mr. Hans-Christian Schulze
Country Manager
Eolus North America, Inc.
5538A La Jolla Boulevard
La Jolla, California 92037

Dear Mr. Schulze:

The Bureau of Land Management (BLM) received a Right-of-Way (ROW) application in November 2015 from Crescent Peak Renewables, LLC, to construct, operate, and eventually decommission, up to 106 wind turbines and associated facilities on approximately 32,500 acres of public lands in southern Nevada. The BLM determined that the proposed project would not be in conformance with the Las Vegas Resource Management Plan (RMP). The Visual Resource Management class in the Application Area is III, which would require a land use plan amendment to a class IV in order for the project to be consistent with the RMP. In addition, authorization of the project would be inconsistent with the Fish, Wildlife, and Special Status Species management direction contained in the Las Vegas RMP Record of Decision:

- FW-1-a. Maintain and improve bighorn sheep habitat by maintaining existing water developments, protecting and improving springs, seeps, and riparian habitat for Crescent Peak.
- FW-2-b. Evaluate discretionary activities proposed in bighorn sheep habitat and on a case-by-case basis. Grant authorization if projects are consistent with goals and objectives of the Range-wide Plan for Managing Desert Bighorn Sheep Habitat on Public Lands and other applicable policies.
- FW-3-e. Protect artificial and natural waters that provide benefit to wildlife.
- FW-3-f. Protect key nesting and migration routes.

Because the BLM is prohibited from approving resource management authorizations and actions that are not in conformance with approved RMPs, the BLM generally denies applications for any non-conforming proposed uses, such as the Crescent Peak Wind Project.

In this instance, however, the BLM published a Notice of Intent (NOI) in the Federal Register to gather information about whether it should consider exercising its discretion to amend the approved land use plan to facilitate the proposed wind project. *Notice of Intent To Prepare an Environmental Impact Statement and a Possible Land Use Plan Amendment for the Proposed Crescent Peak Wind Project, West of Searchlight in Clark County, Nevada; and a Notice of Public Lands Segregation*, 83 Fed. Reg. 11,559 (March 15, 2018). The NOI initiated a 90-day public scoping period to allow the public to inform the BLM about whether to complete a plan amendment process and to provide input on the proposed project. The BLM also engaged a number of cooperators, including Federal, county, and state governments, to provide special expertise relative to project impacts. These areas of expertise included military training airspace, future airport development, and wildlife. The scoping period closed on June 13, 2018, and the Scoping Summary Report was completed at the end of July

2018. Through the scoping process, the BLM identified the following resource conflicts associated with the proposed project and plan amendment:

Public Review

According to the Scoping Report Summary, BLM received 216 comments. The BLM received many concerns about the potential biological impacts of the project, especially to eagles, birds, and bats, as well as impacts to existing land uses. The comments indicated that the town of Searchlight, Nevada, closest to the project site, would be heavily impacted by this project. The National Park Service expressed concern about the visual impacts to their visitors' experience due to the project's proximity to the Mojave National Preserve, Castle Mountain National Monument, and Mojave Trails National Monument.

Mining

Within the proposed project area, there are 306 active mining claims. Access to the wind turbines would require construction of roads that would impact active claims. Access roads crossing active mining claims would likely cause conflicts with the claimants developing their mining claims.

Clark County Southern Nevada Supplemental Airport (SNSA)

Wind energy projects can pose logistical challenges to the operation of airport facilities. Crescent Peak Wind's nearly 600-foot tall wind turbines could create height obstructions, interfere with air navigation systems (e.g., radar), or create adverse impacts on the safe and efficient use of navigable airspace to Clark County Department of Aviation's proposed SNSA.

Bighorn Sheep, Eagles, and other Wildlife

Secretary's Order (S.O.) 3356 directs the Department of the Interior (DOI) to enhance hunting and fishing opportunities and improve the management of game species and their habitats. In addition, S.O. 3362 directs the BLM to enhance and improve the quality of big-game migration corridor habitat in a way that recognizes state authority to conserve and manage big-game species.

Hunting and trapping are long-time and well-established recreational pursuits within the Crescent Peak proposed project area. Comments from cooperators on the proposed project expressed concern that the operation of a wind facility would affect wildlife populations. Large game species, particularly bighorn sheep, may permanently avoid the area, reducing hunting opportunities and diminishing the population linkages between Crescent Peak and north Castle Mountains in southern Nevada and southern California, respectively. The State of Nevada acquired water rights to springs adjacent to the project area that are utilized by mule deer, bighorn sheep, and many other wildlife species. Comments from cooperators expressed a strong concern that activities and impacts associated with construction and operational phases of the proposed wind project would result in reduced wildlife use and presence, particularly near water sources. Likewise, developed wildlife water developments (guzzlers) located close to proposed wind turbines are likely to impact small game hunting.

Raptors, birds, and bats do not see the wind turbine rotors, causing mortality associated with wind energy. Within Crescent Peak Wind's project area, 17 golden eagle nests have been identified. A smaller wind energy project in northern Nevada killed two eagles shortly after becoming operational. The Crescent Peak area has tree roosting and migratory bat species that could be impacted during bat migration through the project area at heights that are within the wind turbine's rotor sweep area.

Tribal Concerns

One of the DOI's top priorities is to promote meaningful tribal sovereignty and consultation. Southern Paiute Tribes within California and Nevada have been very engaged and vocal in proposed land use planning and use authorization decisions, especially in the last few years. BLM formally consulted face-to-face with the eight affected tribes, who shared their stories and educated BLM on specific areas of tribal importance within and around the proposed Crescent Peak Wind project area. They described the tremendous spiritual and cultural significance of sacred landscapes and sites, such as the Salt Song Trail and Spirit Mountain (Avi Kwanze). Several of the Tribes, including the Colorado River Indian Tribes, stressed the importance of Spirit Mountain and the surrounding area that are central to the creation story, cultural identity, and ancestral heritage of tribal members. They expressed concern that the proposed Crescent Peak Wind project would impair and degrade the view shed of Spirit Mountain. The Twenty-nine Palms Band of Mission Indians specifically regards Crescent Peak as an area of tribal importance.

Military Training Missions

Military training missions, including those from China Lake Naval Air Weapons Station (China Lake), require airspace that is free of aircraft radar interference. Wind turbines are potentially incompatible with and pose a significant threat to military operations in the R-2508 airspace and beyond. China Lake conducted over 30,000 flights in the R-2508 airspace in 2017 and they expect a 10-20 percent increase in 2018.

Summation

Based on this information, I have concluded that the proposed Crescent Peak Wind project, which does not conform to the approved Las Vegas RMP, would also create conflicts with resource uses, including hunting, mining, tribal values, military training missions, and county development. Accordingly, at this time it is not in the public interest to continue to process the ROW application and complete a detailed environmental analysis under the National Environmental Policy Act. I, therefore, am directing the BLM to cease further work on this land use planning effort and deny your ROW application, pursuant to 43 CFR 2804.25 (e)(2)(ii-iii) and 2804.26 (a)(1-2, 5).

Sincerely,



Joseph R. Balash
Assistant Secretary
Land and Minerals Management

cc: Mr. Ed Duggan
Senior Vice President
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