



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Southern Nevada District Office
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
<http://www.blm.gov/nevada>

In Reply Refer To:
N-84631
2800 (NVS0000)

OCT 03 2019

CERTIFIED MAIL

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NOTICE

Arevia Power/Solar Partners XI :
Ricardo Graf :
Managing Partner :
1044 10th Avenue :
Redwood City, California 94063 :

Request for Environmental Assessment (EA) on the Gemini Solar Project

Dear Mr. Ricardo Graf:

The Bureau of Land Management (BLM) has reviewed your July 8, 2019, request, in which you asked the BLM to separately authorize MET towers, project area grading, and road construction of up to approximately 33,404 square feet within the Gemini Solar Project (Gemini) application area under a separate right-of-way grant (ROW). In your request, you proposed that the BLM comply with National Environmental Policy Act (NEPA) by preparing an Environmental Assessment (EA) for construction of a smaller portion of the site that would allow for grading and road construction and that those activities would ultimately support and be used by the larger Gemini Solar Project. Additionally, since the BLM's schedule does not anticipate issuing a decision on your application for Gemini until early 2020, you requested that the BLM complete an EA and issue a ROW by October 1, 2019, in order to meet the timelines for certain tax incentives for renewable energy development. For the following reasons, it is unlikely that the BLM will be able to move forward with your request without additional information or modifications.

NEPA

The BLM is in the middle of the NEPA analysis for the entire Gemini Solar Project. The Draft Resource Management Plan Amendment (RMPA)/Draft Environmental Impact Statement (DEIS) was published on June 7, 2019. Separate analysis of a portion of Gemini, as you requested, would violate NEPA. NEPA requires that "[p]roposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement." 40 C.F.R. § 1502.4(a). Further, NEPA requires connected actions to be discussed in the same impact statement. 40 C.F.R. § 1508.25. As the BLM understands your request, the smaller area for grading and the larger Gemini Solar

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ARIZONA, CALIFORNIA*, NEVADA*

* PARTIAL

Project are connected actions. NEPA requires that any irreversible or irretrievable commitment of resources be identified and analyzed. 40 C.F.R. § 1502.16. The development of these roads are considered an irreversible or irretrievable commitment of resources in the advance of a BLM decision on the entire Gemini Solar Project application.

Notice of Segregation

The BLM has already segregated the lands covered by the application for Gemini. On July 13, 2018, the BLM published a Notice of Segregation for the Proposed Gemini Solar Project in Clark County, Nevada. The notice stated, "The BLM uses this temporary segregation authority to preserve its ability to approve, approve with modifications, or deny proposed ROWs, and to facilitate the orderly administration of the public lands. This temporary segregation is subject to valid existing mining claims located before this segregation notice. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature which would not impact lands identified in this notice may be allowed with the approval of an authorized officer of the BLM during the segregation period." In accordance with this notice, the BLM cannot accept an application for any project that is not of a temporary nature.

For the reasons stated, it is unlikely that the BLM will be able to move forward with your request to separately authorize MET towers, project area grading, and road construction on a smaller portion of the area under consideration for Gemini. However, if you can provide additional information or modify your application, the BLM might be able to move forward with its analysis. For example, if the installation of the MET towers can be completed without the need of the developed access roads (i.e., the materials are walked to the sites from existing roads), that information should be provided to the BLM. In that case, you will need to submit a new application with SF-299 and Plan of Development to document that new information so that the BLM can include it in the agency's analysis. Arevia Power/Solar Partners XI has 30 days from receipt of this letter to respond. If there is no response the BLM may reject the application under 43 CFR 2804.26(a)(6).

If you have any questions, you may contact Herman Pinales, Renewable Energy Project Manager, by e-mail at apinales@blm.gov or by phone at (702) 515-5284.

Sincerely,



Shonna Dooman
Field Manager
Las Vegas Field Office

cc:
SNDO District Manager
SNDO E & I PM