



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-100347
2800 (NVS0100)

NOV 12 2021

CERTIFIED MAIL

DECISION

Crescent Peak Renewables, LLC	:	Right-of-Way N-100347
Crescent Peak Wind Project	:	Kulning Wind Energy Project
Attn: J. Edward Duggan	:	
5538A La Jolla Blvd.	:	
La Jolla, CA 92037	:	

Priority Determination

On March 3, 2021, the Bureau of Land Management (BLM) received an application for the Kulning Wind Energy Project on public lands. The application was assigned the case number N-100347. Please refer to this number for all future correspondence relating to this case.

The BLM has reviewed and prioritized your application in accordance with the screening criteria in 43 CFR § 2804.35 and has determined your application to be a Low priority. The rationale for the priority determination of your application is provided in the enclosed Priority Determination Worksheet. Regulations found at 43 CFR §2804.35(a) state that "High-priority applications are given processing priority over medim- and -low-priority applications..."

The BLM is developing a coordinated project plan (CPP) that will take into account the regulatory direction for processing of your Low priority application and will contact you in the future for work on your project as identified in the CPP.

You may request the BLM re-categorize your application based on new information obtained through surveys, public meetings, or other data collection, or after any changes to the application. Staff time to review the new information will be limited and based on higher priority workload demands. If you submit a request for BLM to re-categorize your priority level, the BLM will determine the schedule on which we will review the information provided.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If

INTERIOR REGION 8 • LOWER COLORADO BASIN

ARIZONA, CALIFORNIA*, NEVADA*

* PARTIAL

an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Shonna Dooman
Field Manager
Las Vegas Field Office

Enclosures

cc: Interested Parties (attached)

Kulning Wind Energy Project (N-100347)
Interested Parties Notification List
Electronic Transmittal

Interested Tribes

National Park Service
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
U.S. Navy China Lake
Federal Infrastructure Projects Steering Committee
Department of Interior – OEPC
FAST-41 Project Cooperating and Participating Agencies

Clark County Department of Aviation
State of Nevada - Division of Wildlife
State of California – Department of Fish and Wildlife

National Parks Conservation Association
Basin and Range Watch
Defenders of Wildlife
The Wilderness Society
National Audubon Society
Friends of Walking Box Ranch

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Project Priority Determination Worksheet

Project Name: Kulning Wind Energy Project

Date: November 12, 2021

BLM Serial Number: N-100347

- **Purpose:** The purpose of this worksheet is to identify landscape level constraints for Solar and Wind project proposals in the Bureau of Land Management (BLM) Southern Nevada District Office (SNDO). The sections in this worksheet are as follows:
- Section 1 identifies the prioritization of projects based on regulations (43 CFR §2804.35).
- Section 2 are local (SNDO) considerations.
- Section 3 identifies specific resources issues.
- Section 4 identifies the priority decision.

Section 1 – Regulation Compliance

- The regulatory compliance criteria below come from 43 CFR §2804.35. When completing the following form, if something is marked present or further clarification is needed please note it in the table at the end of Section 2 or if resource specific within Section 3 notes.

		Present	Not Present
1)	Lands near or adjacent to lands designated by Congress, the President, or the Secretary for the protection of sensitive viewsheds, resources, and values (e.g., units of the National Park System, Fish and Wildlife Service Refuge System, some National Forest System units, and the BLM National Landscape Conservation System), which may be adversely affected by development.	X	
2)	Lands near or adjacent to Wild, Scenic, and Recreational Rivers and river segments determined suitable for Wild or Scenic River status, if project development may have significant adverse effects on sensitive viewsheds, resources, and values.		X
3)	Designated critical habitat for federally threatened or endangered species, if project development may result in the destruction or adverse modification of that critical habitat.	X	
4)	Lands currently designated as Visual Resource Management Class I or Class II.	X	
5)	Right-of-way exclusion areas.		X

Medium-Priority Criteria:		Present	Not Present
6)	BLM special management areas that provide for limited development, including recreation sites and facilities.		X

7)	Areas where a project may adversely affect conservation lands, including lands with wilderness characteristics that have been identified in an updated wilderness characteristics inventory.		X
8)	Right-of-way avoidance areas.	X	
9)	Areas where project development may adversely affect resources and properties listed nationally such as the National Register of Historic Places, National Natural Landmarks, or National Historic Landmarks.	X	
10)	Sensitive habitat areas, including important species use areas, riparian areas, or areas of importance for Federal or State sensitive species.	X	
11)	Lands currently designated as Visual Resource Management Class III.	X	
12)	Department of Defense operating areas with land use or operational mission conflicts.	X	
13)	Projects with proposed groundwater uses within groundwater basins that have been allocated by State water resource agencies.	X	

High-Priority Criteria:		Present	Not Present
14)	Lands specifically identified as appropriate for solar or wind energy development, other than designated leasing areas.		X
15)	Previously disturbed sites or areas adjacent to previously disturbed or developed sites.		X
16)	Lands currently designated as Visual Resource Management Class IV.		X
17)	Lands identified as suitable for disposal in BLM land use plans.		X

Section 2 – Local Considerations

The following considerations are specific to the Southern Nevada District. The selection of “present” for any of the local considerations can change the project priority. These local considerations take into account, but are not limited to, the following secretarial orders, policy, regulation, and laws, and BLM priorities.

- 43 CFR §2804.35
- Approved Resource Management Plan Amendments/Record of Decision for Solar Energy Development in Six Southwestern Statesⁱ
- 1998 Las Vegas Resource Management Planⁱⁱ
- Department of the Interior Prioritiesⁱⁱⁱ
- Bureau of Land Management Leadership Priorities^{iv}
- United States Fish and Wildlife Species List^v
- Nevada State Species List^{vi}
- BLM Sensitive Species List^{vii}

Local Considerations		Present	Not Present
18)	Development is located in the Southern Nevada Public Land Management Area (SNPLMA) Boundary		X
19)	Development is located near the proposed Southern Nevada Supplemental Airport	X	
20)	There is a Solar Energy Zone or Designated Leasing Area within the district that could be used.		X

21)	Development is located in areas where project development may adversely affect lands acquired for conservation (e.g., SNPLMA Environmentally Sensitive Land Acquisitions such as the Perkins Ranch acquisition near the Moapa, Nevada).	X	
22)	The proposed project supports economies of local Tribes		X
23)	The proposed project supports the economy of Nye County		X
24)	Development is located within an area identified for disposal		X
25)	Development is located within a utility corridor	X	
26)	Development is located within lands withdrawn from ROW authorizations		X
27)	Development is located within lands segregated from ROW authorizations.		X
28)	Development is located over another Solar or Wind Application		X
29)	Development may not be compatible with an existing grant, easement, lease, license, or permit.		X
30)	Development is located outside of BLM jurisdiction		X
31)	Development is located on private lands		X
32)	Development is located in a USFWS least cost desert tortoise corridor.		X
33)	Development is located in or adjacent to desert tortoise translocation areas		X
34)	Development is located over existing or active mining claims or community pit	X	
35)	Development is located over or within 1000 meters of natural surface water, springs, riparian areas or wetlands	X	
36)	Development is located within a hydrogeographic basin where groundwater withdrawal could potentially impact groundwater dependent natural resources.		X
37)	Development is located over lands containing sensitive soil resources.	X	

When completing Sections 1 and 2, if something is marked present or further clarification is needed please include here. Please place the number in the first column that corresponds to the number in Sections 1 and 2. If the presence or clarification is resource specific provide the justification or clarification in Section 3.

Clarifications/Justifications	
1	<p>The project area is within 1/2 mile of the Wee Thump Joshua Tree Wilderness (BLM), within four miles of the South McCullough Wilderness (BLM), within three miles of the Castle Mountain National Monument (National Park Service), and within one mile of the Mohave Wildemess within the Mojave National Preserve (National Park Service). Given the close proximity of the project to these designated areas, there is potential for adverse effects.</p> <p>A letter from the Environmental Protection Agency (EPA) (dated August 30, 2021) expressed concerns related to the effect of the project on the designated lands. An excerpt from EPA's letter states –</p> <p><i>“The KWEP site, as proposed, is situated close to Castle Mountain National Monument, Mojave National Preserve, Wee Thump Joshua Tree Wilderness, Paiute/Eldorado ACEC, and the community of Searchlight, Nevada. We encourage the BLM to carefully analyze the visual impacts to these surrounding areas by the addition of up to 68 wind turbines – 591 to 759 feet tall (ground to top of blade tip). In addition to obstructing the viewshed in the areas closest to the project site, the KWEP could potentially impact cultural and spiritual visual resources and values and would adversely affect views in the Wee Thump Joshua Tree Wilderness, a stunning, dense, old-growth Joshua Tree forest situated directly adjacent to the proposed KWEP. The EPA recommends that BLM carefully consider the visual impacts</i></p>

	<p><i>of the KWEP WTGs to the surrounding area and whether these impacts can be mitigated before making the decision to change VRM designations. "</i></p>
<p>3</p>	<p>In July of 2021, the project sponsor submitted a report to the BLM for consideration when reviewing the prioritization criteria, "Kulning Wind Energy Project Renewable Energy Priority Determination December 2020" (Project Sponsor Report). Excerpt from the report - <i>"The proposed location for the WEG plant is adjacent to the Paiute-Eldorado Area of Critical Environmental Concern (ACEC), whereas portions of the proposed transmission line ROW are within the ACEC and a portion crosses U.S. Fish and Wildlife Service (USFWS) Designated Critical Habitat for Mojave desert tortoise (Gopherus agassizii) ...</i></p> <p><i>The proposed transmission line ROW overlaps the [Paiute-Eldorado] ACEC for 5.1 km (3.2 miles) and 0.1 km² (19.4 acres)... The proposed transmission line ROW overlaps desert tortoise Critical Habitat for 7.0 km (4.3 miles) and 0.1 km² (26.2 acres)..."</i></p> <p>The Project Sponsor Report incorrectly identifies approximately 15 miles of the proposed transmission line where it crosses the ACEC as being located within a designated utility corridor. Although it follows several existing transmission lines, it is not a BLM designated corridor. As acknowledged by the project sponsor, the project has facilities proposed to be constructed within designated critical habitat (within and outside designated utility corridors), construction of facilities within designated critical habitat is reasonably anticipated to cause destruction and/or adverse modification to the critical habitat.</p>

Excerpt from the Project Sponsor Report -

"...The WEG plant is proposed on approximately 37.1 km² (9154.6 acres), and the proposed transmission line corridor totals approximately 46.5 km (28.9 miles) and 0.7 km² (175.0 acres). In total, 35.8 km² (8,838.1 acres) is currently designated as VRM Class II...

Much of the BLM lands in the proposed project area are managed as VRM Class II. The objective of VRM Class II is to retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. When taking these resources into consideration during the project planning phase, the impacts can be reduced or mitigated, and the KWEP would be in conformance with VRM Class III objectives."

As acknowledged by the project sponsor, the project area is located almost entirely within BLM VRM Class II (designated in the Resource Management Plan), including 62 of the proposed 68 wind turbine generators. The VRM Class II objective is to retain the existing character of the landscape, the level of change to the characteristic landscape shall be low, management activities may be seen but shall not attract the attention of the casual observer, and any changes shall repeat the basic elements of form, line, color and texture found in the predominant natural features of the characteristic landscape. BLM recently conducted visual resource inventories (VRI) that included the subject currently designated VRM Class II unit. The inventory found that the unit still maintains a VRI Class II resource.

4 The project sponsor acknowledges that the project would not meet the VRM Class II objectives, by stating it could be mitigated to conform to VRM Class III objectives. Note that the BLM believes further analysis is necessary to determine if, in fact, mitigations could be applied to the project to meet the VRM Class III objectives.

The Project Sponsor's letter from Council, dated August 25, 2021, offers a discussion relating to BLM's authority to amend land use plans to allow for nonconforming projects in the context of Environmental Groups asserting that the project is inconsistent with VRM Class II and would require a change to the Resource Management Plan (RMP). In this letter and the Project Sponsor Report, there is an acknowledgement that the project would not meet VRM Class II objectives, if that is the case, the project is inconsistent with the RMP. As is noted in the letter, BLM does have authority to consider and approve amendments to the RMP. The BLM would have to assess the appropriateness of considering an amendment to the Resource Management Plan to allow for the project.

A letter from the EPA (dated August 30, 2021) notes the project's incompatibility with the VRM Class II objectives –

"The KWEP site, as proposed, is located on BLM-administered lands mostly managed as Visual Resource Management Class II, which is not compatible with wind energy development. A BLM RMP Amendment would be required to change the lands to VRM Class III or IV. The VRM Class II objective is to retain the existing character of the landscape, keeping the characteristic landscape, or only introducing minor changes. The EPA recommends that BLM identify the visual values that were identified previously during the land-use planning process that resulted in the VRM Class II designation, and then evaluate whether these values are still present or have changed, when considering whether the VRM classification of these lands should be changed to accommodate wind energy development."

State of Nevada Department of Wildlife (NDOW) comments (dated June 13, 2018) on the Crescent Peak Wind Project identify concerns that are likely relevant for the Kulning Wind

Energy Project, which is located on a portion of the previous project area. The NDOW comment stated –

“The South McCullough and Wee Thump Joshua Tree wildernesses are in the immediate vicinity of the project area ... In large part to proximity with wilderness, BLM expectedly classified much of the Crescent Peak area (including most of the three northern project phases) as VRM Class II in the 1998 Las Vegas RMP. Understandably, given adjacent wilderness resources and areas having wilderness characteristics, the overall management objective as contained in the RMP for the greater Crescent Peak area was and is retention of existing character of the landscape. Visual Resource Management involves a thorough process for guiding the way in which proposed activities will be limited and visual resources will be protected. Under VRM Class II, impacts to the landscape should be low and management activities should not attract the attention of the casual observer. Clearly, the proposed wind energy project is not compatible with VRM Class II objectives. In consideration of the present 1998 RMP revision process, NDOW opposes downgrading the Crescent Peak area VRM class designation from Class II to Class III.”

8	<p>A majority of the proposed KWEP transmission follows several existing transmission lines through the Piute Eldorado ACEC but is not within a BLM designated corridor. The Piute Eldorado ACEC was designated for the protection of desert tortoise, and is managed as a ROW avoidance area outside of designated corridors.</p>
9	<p>It is likely there will be adverse visual effects to Walking Box Ranch, listed on the National Register of Historic Places. The project could potentially have adverse indirect effects to the Spirit Mountain Traditional Cultural Property (TCP) as well.</p> <p>National Park Service's (NPS) comments (dated September 18, 2018) on the Crescent Peak Wind Project identify concerns that are likely relevant for the Kulning Wind Energy Project, which is located on a portion of the previous project area. The NPS comment stated –</p> <p><i>"The Project site is rich in culture and history, including the Walking Box Ranch, which is listed on the National Register of Historic Places. Numerous prehistoric sites and a nearby Traditional Cultural Property would lose significant value in terms of visual and sense of place to the communities of people that recreationally or ceremonially visit this area. At present, these sites are remote and convey a sense of historical context that will be lost if wind turbines become part of the landscape. This would also be a loss for nearby protected areas that have been determined to contain important cultural resources that contribute to their national recognition as Preserve and Monument.</i></p> <p><i>A particularly important historical resource is the wagon road to Hardyville. This is one of two wagon roads dating to the mid-19th century that are still considered intact with high integrity. Moreover, Hardyville Road is considered eligible for listing on the National Register of Historic Places. The other wagon road, Mojave Road, has already been found eligible and is in the process of being listed. Hardyville Road traverses the Preserve and Monument, then continues onward onto BLM lands directly beneath the site proposed for wind turbine installations in the Crescent Peak Wind Project."</i></p> <p>Excerpt from the Project Sponsor Report -</p> <p><i>"A preliminary cultural resources records search and a field study have been conducted through the State Historic Preservation Office's (SHPO) Nevada Cultural Resource Information System (NVCRIS) to identify previous cultural resource projects and archaeological sites within the KWEP. There are potential cultural resources within the proposed location for the WEG plant..."</i></p>
10	<p>A more in-depth discussion of relevant sensitive resources (including Joshua Tree, Golden Eagles) is included below in Section 3: Resource Considerations.</p> <p>The Project Sponsor included some additional information in relation to this criterion -</p> <p><i>" The Wee Thump Joshua Tree Forest Important Bird Area's (IBA's) eastern boundary is about 9.7 km (6 miles) west of Searchlight and stretches west to the eastern slope of the McCullough Range. Nevada State Route 164 crosses the IBA on an east-west axis, and a couple of two-track dirt roads also cross the area. About one-third of the IBA overlaps the</i></p>

	<p><i>Wee Thump Joshua Tree Wilderness (National Audubon Society 2013). IBA Report No. 938 (National Audubon Society 2013) is included in Appendix B.</i></p> <p><i>The designation of an IBA does not confer legal or regulatory status. IBA boundaries serve as a guide for planning and boundaries should be considered approximate. Data provided by IBA's is meant to inform on-site survey efforts required for project development (National Audubon Society 2020).</i></p> <p><i>The WEG plant is proposed on approximately 37.1 km² (9,154.6 acres), of which 21.9 km² (5,409.5 acres) overlaps the IBA...</i></p> <p><i>Golden eagle (Aquila chrysaetos) distribution is widespread across the southwestern United States and includes the proposed KWEP as potentially suitable year-round habitat (ANL 2020). Studies conducted by SWCA between 2015 and 2017 showed that the KWEP includes year-round foraging habitat for the golden eagle but does not contain suitable nesting habitat (SWCA 2017)."</i></p> <p>BLM notes that studies/surveys completed for the previous project will have to be reviewed for adequacy, additional survey work may be necessary for the current project.</p>
11	<p>The project area is located partially within BLM VRM Class III (designated in the Resource Management Plan), including 6 of the proposed 68 wind turbine generators. The VRM Class III objective is to partially retain the existing character of the landscape. The level of change to the characteristic can be moderate. Management activities may attract attention but shall not dominate the view of the casual observer. Changes shall repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape. The project would have to be assessed to determine if it could meet the VRM Class III Objectives. If it was determined that it could not meet the VRM Class III Objectives, the BLM would have to assess the appropriateness of consideration of a Resource Management Plan Amendment to allow for the project.</p>
12	<p>The project area proposed in the application is a portion of the project area for the Crescent Peak Wind Energy Project (N-94470) that was previously considered and denied by the Bureau of Land Management. On November 19, 2018, the Department of Interior Assistant Secretary of Land and Minerals Management issued a letter to Crescent Peak Renewables, LLC which stated that the application could not be processed due to non-conformance with the approved Las Vegas Resource Management Plan, conflicts with resource uses and military training missions, Tribal concerns, and county development (2018 ASLM Letter). The letter directed the BLM to cease processing and deny the application. The letter stated that –</p> <p><i>"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."</i></p>

	<p>The project sponsor has been coordinating with Department of Defense in the development of a curtailment agreement for the Kulning Wind Energy Project, however an agreement has not yet been approved by DoD.</p> <p>Excerpt from the Project Sponsor Report -</p> <p><i>“The areas of land in Nevada that are designated DoD High Risk of Adverse Impact Zones are extensive throughout western states and extend north from Austin, Nevada, east into Utah, and south and west into California. Department of Defense (DoD) data acquired on October 10, 2014, show that the proposed KWEP is in DoD High Risk of Adverse Impact Zones (pertaining to military airborne and ground-based radar) (ANL 2020).</i></p> <p><i>The Federal Aviation Administration, DoD Preliminary Screen Tool was used to further understand the potential for KWEP to impact DoD programs. The Screening Tool gives a preliminary review of potential impacts to long-range and weather radar(s), military training route(s), and special airspace(s). A screening for long-range radar shows the proposed project has no anticipated impact to air defenses and Homeland Security radars; a screening for military operations shows the proposed project as not likely to impact military airspace; and a screening for weather radar shows the proposed project in the no impact zone and impacts are not likely (Federal Aviation Administration 2020). Results are preliminary and all official processes and procedures would be employed.”</i></p> <p>BLM wants to acknowledge no involvement or record of the referenced Screen Tool results and that as part of project review, further coordination / consultation would need to be undertaken with FAA and DoD for determination of potential conflicts.</p>
13	<p>Excerpt from Project Sponsor Report -</p> <p>“The KWEP spans three Nevada Division of Water Resources (NDWR) administrative groundwater basins: Piute Valley, Eldorado Valley, and Ivanpah Valley (Southern Part) (NDWR 2020). Eldorado Valley and Ivanpah Valley (Southern Part) are located within the Central Hydrographic Region of Nevada. Piute Valley is located within the Colorado River Basin Hydrographic Region of Nevada. The State of Nevada has classified these basins as designated groundwater basins (all permitted groundwater rights exceed the estimated average annual recharge) (NDWR 2018).</p> <p>Groundwater discharge from the designated Piute Valley basin is primarily for municipal use, accounting for about 86% of the basin’s perennial yield, and quasi-municipal and mining and milling, accounting for about 12%. The Eldorado Valley basin is used primarily for mining and milling, accounting for about 77% of the basin’s perennial yield, and municipal purposes, accounting for about 22%. The Ivanpah Valley basin is used for quasi-municipal purposes, accounting for about 57% of the basin’s perennial yield, and construction and industrial purposes, accounting for about 41% (NDWR 2020).”</p>
14	<p>The Project Sponsor Report incorrectly identifies the project area lands as being specifically identified as appropriate for wind energy development. See excerpts from Project Sponsor Report -</p> <p><i>“The KWEP is proposed on lands identified in the BLM Wind PEIS as a developable wind resource by the National Renewable Energy Laboratory (NREL). NREL compiled GIS data and screened that data to eliminate lands excluded from wind energy development by virtue</i></p>

	<p><i>of their status, classification, or some other administrative determination. In addition, NREL recommends an average annual wind speed of 5 meters per second (m/sec) as the minimum for viable wind power generation. The proposed WEG plant would be on lands identified as having wind speeds of 8 m/sec (BLM 2005a and ANL 2020)."</i></p> <p>This criterion relates to lands specifically identified in the Resource Management Plan as appropriate for wind or solar energy development, such as a Solar Energy Zone or Designated Leasing Area. The final rule for the regulations includes additional clarification for this criterion, "The BLM may have identified lands that are appropriate for solar or wind energy development, but are not inside DLAs [designated leasing areas]. These lands may include areas approved for solar or wind area development for which a right-of-way was never issued or an existing right-of-way was relinquished." (FR Vol 81, No. 243, 12/19/2016, p. 92153)</p> <p>The proposed project area is not located on lands specifically identified as appropriate for wind energy development (designated leasing area). Further, the proposed project is not located on lands approved for wind energy development where a right-of-way was never issued or was relinquished, as is additionally provided for in the Final Rule. In the case of the subject lands, the opposite is true in that a wind energy development project on the same lands being applied for was denied due to the presence of numerous conflicts present for a wind energy development project at the location.</p>
15	<p>Excerpt from Project Sponsor Report -</p> <p><i>"Much of the KWEP transmission line is proposed in previously disturbed sites or areas adjacent to previously disturbed sites within existing BLM utility corridors (21.8 km [13.6 miles])."</i></p> <p>Note that the criterion does not apply to lands "adjacent" to disturbed lands. The project sponsor does not provide facts or details relating to the specific disturbed lands that would be utilized by the project or quantify the disturbed lands being referenced. Additionally, the much of the KWEP transmission line is not within a designated BLM utility corridor.</p> <p>Based on currently available information, the BLM concludes that potential for use of disturbed lands for the proposed project would be insignificant and does not warrant consideration when assessing complexity of processing the project.</p>
19	<p>In a letter from Clark County Department of Aviation (CCDOA), dated June 30, 2021, CCDOA states that, "Though the project has been revised there are still concerns that the applicant needs to address."</p> <p>Excerpt from CCDOA letter (dated June 30, 2021) –</p> <p><i>"Due to the relative proximity of the KWEP [Kulning Wind Energy Project] to the proposed SNSA [Southern Nevada Supplemental Airport], there is also a possibility that elements of the KWEP (e.g., turbines and/or transmission lines) may constitute obstructions or hazards to air navigation or may create adverse impacts on the safe and efficient use of navigable airspace. CCDOA's main objective is to avoid any potential for interference with the future</i></p>

	<p><i>planned SNSA, and to ensure that the project applicant complies with relevant Federal Aviation Administration (FAA) regulations in that regard.</i></p> <p><i>The Part 77 of the Federal Aviation Regulations (Part 77) requires that any party proposing to construct an object or structure near a proposed public-use airport is required to notify the FAA before construction begins. In turn, the FAA is obligated to examine whether the structure or structures would result in an obstruction of the navigable airspace or would interfere with air navigation facilities and equipment or the navigable airspace². After considering these factors, FAA would issue a determination clarifying if the proposed structure(s) constitute as a hazard to air navigation.</i></p> <p><i>FAA has exclusive jurisdiction to determine whether tall structures constitute obstructions or hazards to air navigation. CCDOA will require that the KWEP applicant file a FAA Form 7460-1 (Notice of Proposed Construction or Alteration) for each discrete structure proposed to obtain a formal FAA determination for each structure. In these determinations, FAA will identify lighting and/or other mitigation requirements that may be necessary to avoid creating obstructions or hazards. Until FAA has issued its determinations, neither BLM nor the project applicant can be certain that the KWEP will be compatible with the proposed SNSA. " Emphasis added.</i></p>
21	<p>The project area nearest wind turbine generator is located within 2 ½ miles of the Walking Box Ranch. The Walking Box Ranch was acquired by the Nature Conservancy in 1994 to support protection of the Desert Tortoise. <u>The BLM purchased the ranch in April 2005, with funds allocated in Round 3 of the Southern Nevada Public Lands Management Act (SNPLMA).</u> The property continues to be protected by conservation easements held by the Nature Conservancy to maintain the ecological and cultural integrity of the ranch. The property was added to the National Register of Historic Places in March of 2009 for its association with cattle ranching in Clark County and the Mojave, and for its architectural significance, including the main house, outbuildings and structures, and associated landscape features.</p> <p>Friends of Walking Box Ranch, in a letter dated May 10, 2021, expressed concern with the project. Excerpts from the letter –</p> <p><i>"...The proposed Kulning wind project would be just two miles from historic Walking Box Ranch, and clearly visible from the entire Piute Valley. Dark night skies and the desert silence visitors experience would be a distant memory if the project is built anywhere in Piute Valley....</i></p> <p><i>BLM has owned the ranch since purchasing it in 2005 using SNPLMA funding and has subsequently spent millions of dollars in historic renovation and infrastructure improvement on the property. The ranch is one of the last vestiges of ranching history in southern Nevada. It would truly be a disconnect if one arm of BLM is attempting to save the history of the ranch and surrounding area, and another arm of BLM permits a huge industrial wind farm nearby with turbines 600 to 800 feet tall ...</i></p> <p><i>Walking Box Ranch lies in the heart of the proposed Avi Kwa Ame National Monument. The ranch provides incredible views of Spirit Mountain, or Avi Kwa Ame. The entire viewshed from Spirit Mountain to Crescent Peak would be compromised, both day and night, by spinning blades and flashing lights. "</i></p>

25	<p>A portion of the proposed transmission line would be within a designated utility corridor. Excerpt from Project Sponsor Report -</p> <p><i>“Most of the proposed KWEP transmission line (21.8 km [13.6 miles]) would be within an existing utility corridor. The proposed WEG plant is outside existing utility corridors. In total, 8.4 km (5.2 miles) of transmission line would be outside existing utility corridors.”</i></p> <p>Although a majority of the proposed KWEP transmission does follow several existing transmission lines through the Piute Eldorado ACEC, it is not within a BLM designated corridor. The Piute Eldorado ACEC was designated for the protection of desert tortoise, and is managed as a ROW avoidance area.</p>
34	<p>This is a mining district and there are active mining claims located within the proposed area. The project may have to be modified to avoid conflicts with mining claims present within the project area.</p>
35	<p>There are five proposed wind turbines located within 1,000 meters of Burro Spring and four proposed wind turbines located within 1,000 meters of Clarks Well. In the southwestern part of the project area one proposed wind turbine is located within 1,000 meters of a mesquite-acacia riparian woodland.</p> <p>Excerpt from Project Sponsor Report -</p> <p>“Two perennial springs occur within the boundaries for the proposed WEG plant: Burro Springs and one unnamed spring... The unnamed spring has a developed guzzler and is regularly used by wildlife in the area.”</p>
37	<p>Excerpt from Project Sponsor Report -</p> <p>“Desktop analysis of Soil Survey Geographic (SSURGO) data identified 10 different soil map units within the project area (Natural Resources Conservation Service 2020). One soil unit, the Mountmull-Nippeno association, forms the majority of the project area (67.9%). The second-most common association is the Lanfair-Hoppswell, covering 16.7% of the project area. Each of the remaining map units accounts for less than 10% of the soils across the project area. Although none of the soils associations identified in the project area are categorized as Prime Farmland, they do exhibit factors of potential erosion.</p> <p>The Mountmull-Nippeno association consists of generally shallow gravelly loams on steep slopes and with high run-off potential. Given the steep topography of the project area and its windiness, the project could be susceptible to potential water and wind erosion. Biological soil crusts were recorded in some survey plots of the project area during botanical surveys for the Crescent Peak Wind Project (SWCA 2018c). Biological crusts stabilize topsoil, help prevent weed establishment, and promote general ecosystem health. Preparation of project-specific measures implemented during construction, operation, and maintenance of the project could minimize or mitigate potential impacts to sensitive soil resources at the project.”</p>

Section 3 – Resource Considerations

This section identifies the proposed projects resources conflicts. This section is to be completed by BLM resource specialists using existing data and knowledge of the area. The resource conflicts identified in this section can change the priority of the project.

Desert Tortoise
<p><i>Considerations:</i></p> <ul style="list-style-type: none"> • Based on vegetation, soil type, and/or previous surveys, whether the project is proposed in areas expected to occur in low, medium or high density tortoise habitat. • Whether the project is proposed in relatively undisturbed habitat. • Whether the project is located in a tortoise genetic connectivity corridor (least cost tortoise corridor) • The availability of an area to translocate desert tortoise within the same recovery unit from the proposed project site.
<p><i>Description of Issues:</i></p> <ul style="list-style-type: none"> • Desert tortoise (<i>Gopherus agassizii</i>) is a BLM sensitive species and classified as threatened by the USFWS. • Without new tortoise surveys, the density of tortoises within the project area is unknown. Due to the higher elevation of the proposed project boundary, a desert tortoise habitat assessment will need to be completed to determine the extent of required tortoise surveys. Recent surveys at other higher elevation passes, surveyors have found a number of tortoises that have been located at elevations up to 4900 feet. • The project is proposed in relatively undisturbed habitat. • The project is located in both the Eastern and Colorado Desert Recovery Units. Tortoise relocation can follow existing USFWS established protocols. With the anticipated lower densities of tortoises in the lower elevation area of the project boundary, any tortoises located would be relocated in the same recovery unit during construction.
Other Federally Listed, State Listed, and BLM Sensitive Species Constraints
<p><i>Considerations:</i></p> <ul style="list-style-type: none"> • Whether there are other Federally Listed, State Listed, and BLM Sensitive Species expected to occur at the site or have the potential to be directly or indirectly affected by the proposed project.
<p><u>Bighorn Sheep</u></p> <p>Bighorn sheep, a BLM sensitive species, movement across the landscape can be categorized into two general types. The first is daily movement where bighorn sheep move between watering, foraging, and resting areas. The second is seasonal movements, where bighorn sheep move to other parts of a range or to other mountain ranges in response to changes in vegetation quality, water availability, or weather. The impediment of either of these movements can be devastating to a bighorn sheep population. A concern of the proposed wind energy project is the development of new roads and improvement of existing roads. Often, the development of roads brings an increase use of all-terrain vehicles (ATVs) and people into bighorn sheep habitat. Often, bighorn sheep avoid otherwise suitable habitat due to increased human activity. Bighorn sheep may also display an unknown level of avoidance to the windfarm that could effectively sever the population connectivity between bighorn sheep in these mountain ranges southern Nevada and southern California.</p>

The BLM has received letters from the Environmental Protection Agency (EPA) (dated August 30, 2021) and the State of California Department of Fish and Wildlife (CDFW) (dated June 15, 2021) that expressed concerns related to potential project effects on Bighorn Sheep. Excerpt from EPA's letter –

"The Crescent Peak and north Castle Mountains facilitate linkage of population segments of desert bighorn sheep occupying mountain ranges in southern Nevada and southern California. It is extremely important that opportunities for bighorn sheep to move within and between mountain ranges is not hindered. The development of the KWEP may result in restrictions in movement and avoidance of some mountain ranges – and could act as a barricade along known migratory routes between metapopulations. These routes facilitate genetic flow and diversity within the species and are extremely important to their survival. Maintaining the integrity of migration corridors is essential to desert-dwelling ungulates like the desert bighorn sheep, mule deer, and pronghorn. The BLM should identify any nearby migration corridors and carefully consider the potential impact of the proposed project on desert bighorn sheep."

Excerpt from CDFW's letter –

*"CDFW appreciates the reduction in size and scope of the revised Project, however we still have similar concerns for impacts to Nelson's Bighorn Sheep (*Ovis Canadensis nelsoni*, BHS). The BHS populations in this region occupy numerous small mountain ranges separated by broad expanses of relatively flat desert, and their relative isolation and small size makes them vulnerable to loss of genetic diversity through genetic drift and inbreeding. Maintaining connectivity between mountain ranges in California (Castle Mountain and New York Mountains) and in Nevada (New York Mountains and McCullough Mountains) is a priority. The development of this project may result in disturbance to BHS movement in the area, particularly during the 12–18-month construction period and during Operation and Management. Construction activity during the startup phase may occur 24hrs per day, 7 days a week which does not give BHS any reprieve from human activity in their range and may cause BHS to exert additional energy finding alternative routes around the wind site. The addition of 44-55 miles of interior roads throughout the project (up to 250 acres of disturbance) and the 29-mile-long transmission line (up to 110 acres of disturbance) may result in impacts to movement and preclude the use of some of these mountain ranges further fragmenting their range."*

National Park Service's (NPS) comments (dated September 18, 2018) on the Crescent Peak Wind Project identify concerns that are likely relevant for the Kulning Wind Energy Project, which is located on a portion of the previous project area. The NPS comment stated –

*"The Project would encroach on desert bighorn sheep (*Ovis canadensis nelsoni*) habitat in the Piute Range, Castle Peaks, and Castle Mountains habitat patch. An analysis of all the habitat patches available to desert bighorn sheep in the Mojave Desert (Creech et al. 2014) indicates the habitat patch the Project would encroach on is the third most important for genetic and demographic protection of the species over its entire range. The Project site would occupy a critical wildlife corridor connecting the Piute/Castle Mountains to the McCullough range to the north. An expanded road network would fragment habitat in area important for desert bighorn sheep. The Castle Peaks, Castle Mountains and northern Piute mountain ranges are habitat for migratory birds and bats, which would be impacted by wind turbines."*

State of Nevada Department of Wildlife (NDOW) comments (dated June 13, 2018) on the Crescent Peak Wind Project identify concerns that are likely relevant for the Kulning Wind Energy Project, which is located on a portion of the previous project area. The NDOW comment stated –

"The Crescent Peak and north Castle Mountains facilitate linkage of population segments of desert bighorn sheep occupying mountain ranges in southern Nevada and southern California. From a metapopulation perspective, connectivity and gene flow in this region is maintained by bighorn sheep"

movements through the relatively narrow northern ends of the New York Mountains (Crescent Peak) and Piute Range. Thus, bighorn population segments inhabiting the McCullough and Highland ranges and the Lucy Grey Mountains in Nevada are genetically linked with bighorn sheep occupying the New York, Providence, Granite and Old Dad mountains among additional ranges in California. In view of the proposed Crescent Peak Renewables wind project, the principal concern is that bighorn sheep may exhibit an enduring and important level of avoidance of the project area, and as a result, interstate connectivity between bighorn sheep subpopulations is diminished."

Golden Eagles

There are a number of golden eagle nests identified within the project area from previous surveys and bat occupancy of the project area has been demonstrated through the previous bat study. Golden eagles possess a strong site fidelity to previous nesting territories and within that territory use a number of nest sites. Thus, wind energy development can affect eagles in a variety of ways. First, eagles can be killed by colliding with structures such as wind turbines. This is the primary threat to eagles from wind facilities. Second, disturbance from pre-construction, construction, or operation and maintenance activities might disturb eagles at concentration sites or result in loss of productivity at nearby nests. Third, serious disturbance or mortality effects could result in the permanent or long-term loss of nesting territory. Additionally, disturbances near important eagle use areas or migration concentration sites might stress eagles so much that they suffer reproductive failure or mortality elsewhere.

EPA's letter (dated August 30, 2021) included concerns related to potential project effects on Golden Eagles. Excerpt from EPA's letter –

"The EPA continues to have concerns about potential impacts to golden eagles from the proposed KWEP. Wind energy projects impact golden eagles through direct mortality from collisions, as well as possible displacement. Although the Eolus Response states that no key golden eagle nesting sites, migratory routes, or prey base have been identified in the KWEP study area, the 2017 CPWP PODI indicated that 499 raptor species/raven nests were documented in, or within a 10-mile radius of, the four project sites, of which 133 were golden eagle nests. Golden eagles that reside in desert environments often have large territories, making it difficult to estimate home range from nest data alone. Golden eagles in the Mojave Desert use more space and a wider range of habitat types than expected, and home range patterns vary as a function of seasonality, breeding ecology, habitat associations, and temperature.² Golden eagles in the Mojave Desert may travel nearly 10 times as far from their nests to forage as previously thought. Given this information, we remain concerned about the presence of golden eagles in the KWEP study area and potential collisions with WTGs. We are also aware that discrepancies in eagle nest counts were documented previously for the Searchlight Wind Energy Project (SWEP) proposed near the town of Searchlight, Nevada. For the SWEP, the 2012 Final EIS initially reported³ that only three golden eagle nests were located within 10 miles of the proposed project area, but it was later reported⁴ that 19 probable or confirmed golden eagle nests were within 5 miles of the Project site. The Ninth District Court subsequently vacated the federal permits for construction of the SWEP due to inadequate assessment of potential threats to golden eagles, desert tortoises, and bats (October 30, 2015). We recommend that the BLM carefully evaluate potential impacts to sensitive species – particularly golden eagles – and ensure that an adequate assessment of potential threats is conducted."

National Park Service's (NPS) comments (dated September 18, 2018) on the Crescent Peak Wind Project identify concerns that are likely relevant for the Kulning Wind Energy Project, which is located on a portion of the previous project area. The NPS comment stated –

"Environmental analysis of a previous wind turbine project in this area highlighted the need for accurate information on wildlife, including golden eagles. At present there is a sparsity of information on golden eagles in this area. We do, however, know the locations of at least 70 golden eagle nests in the Castle

Peaks, Castle Mountains and northern Piute Range. This relatively high concentration of known golden eagle nests indicates the importance of the area for golden eagle habitat and the likelihood of potential impacts to this species if the project is constructed. ”

Migratory Birds

EPA’s letter (dated August 30, 2021) included concerns related to Migratory Birds. Excerpt from EPA’s letter –

“The Pacific Flyway is a major migratory route for millions of birds and waterfowl that extends from Alaska to Patagonia. As disclosed in the 2012 SWEP Final EIS, the Pacific Flyway extends through the western portion of the proposed SWEP area and therefore likely extends through the KWEP study area as well. We recommend that the BLM consider the presence of the Pacific Flyway and evaluate potential collision impacts to birds and waterfowl that may occur due to the proposed KWEP.

Additional excerpt from EPA’s letter -

*“Nevada’s Executive Order 2021-18 – Creating the Nevada Habitat Conservation Framework
On August 23, 2021, Nevada Governor Steve Sisolak signed Executive Order 2021-18 which instructs the Nevada Departments of Wildlife, Transportation and Natural Resources to develop a plan called the Nevada Habitat Conservation Framework (Framework). Through coordination with land management agencies and other interested parties, the State will use the Framework to evaluate threats, prioritize landscapes, and develop strategies to restore and conserve at risk wildlife habitats, including migration corridors. A key component of the Framework will be the development of the statewide Nevada Wildlife Connectivity Plan that seeks to identify and conserve migratory corridors for ungulates and other key species. Given Executive Order 2021-18, the EPA encourages the BLM to work closely with NDOW, NDOT, and NDCNR since the proposed project has the potential to impact sensitive species, critical habitat, migration corridors, and scenic landscapes within the state of Nevada.”*

A biological team consisting of the BLM, FWS, and NDOW will need to be convened to assess the need, duration, years, placement and number of eagle and other avian surveys required to assess the potential impacts from the development of the wind energy project. The team will evaluate the previous survey data and its validity based on the new proposal for taller WTG thus potentially changing the eagle exposure rate determined in the previous surveys and the number of years since the original survey data was collected.

Other species of conservation priority or species important to wildlife related recreation include gila monster, gilded flicker, Scott’s oriole, mule deer, Gambel’s quail, chukar, mourning dove, desert cottontail, bobcat, gray fox, kit fox, mountain lion, pallid bat, Townsend’s big-eared bat, spotted bat, silver-haired bat, California myotis, western small-footed bat, long-eared myotis, little brown myotis, fringed myotis, canyon bat, and Mexican free-tailed bat.

The project area proposed in the application is a portion of the project area for the Crescent Peak Wind Energy Project (N-94470) that was previously considered and denied by the Bureau of Land Management. The 2018 ASLM Letter stated that –

“...authorization of the project [Crescent Peak Wind Energy 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."*

The Project Sponsor's letter from Council, dated August 25, 2021, states that, "KWEP is consistent with the Las Vegas RMP's Wildlife Management Directives." The letter includes a discussion of each of the RMP objectives and proffers suggestions for study, development of proposed measures, mitigations, and reaches conclusions relating to conformance with the objectives. The discussion in the letter demonstrates the complexity associated with the issue of the project's RMP conformance with the wildlife management objectives, further evaluation would be necessary to assess if modifications to the project would support the project's conformance with the RMP.

Botany

Considerations:

- Whether the project will occur in or adjacent to habitat for any sensitive or state or federally listed species or Clark County MSHCP protected plant species.
- Whether the project occurs in major portion (>10% of any population group) of habitat for BLM sensitive plant species or MSHCP protected plant species
- Whether the project occurs in any habitat for federally endangered plant species OR Project occurs in habitat (> 5% of any population group) for state endangered plant species.

Description of Issues:

- The project contains habitat for several BLM sensitive and Clark County MSHCP covered species, primarily yellow two-toned penstemon (*Penstemon bicolor* ssp. *bicolor*) and rosy two-toned penstemon (*Penstemon bicolor* ssp. *roseus*).
- The project probably does not occur in major portion (>10% of any population group) of habitat for BLM sensitive plant species or MSHCP protected plant species – however, although resource surveys were done for a previous application for this area, survey data was not submitted to BLM, so presence of other sensitive species that may have been located within the application area cannot be determined at this time, and portion of population group of these species is unknown.
- The project does not occur in habitat for any federally threatened or endangered plant species or in habitat for state endangered plant species.
- There is a high likelihood that there are BLM-CA sensitive plant species within the application area.
- The project area contains extremely high densities of Joshua trees, a Nevada BLM sensitive species, and other cacti and yucca species. Since Joshua Trees are considered a Nevada BLM sensitive species, protection as described in BLM Manual 6840.06 C is required.
- Surveys of the original project area documented 7,633 total Joshua trees within the project areas, and 36,126 total cacti and yucca within the project areas. Most of these plants would likely be impacted, both through the pads for the turbines and through the creation of roads and transmission to reach the various pad sites. Additionally, most of this disturbance would likely be permanent, as the disturbances associated with this project are for access roads and tower pads where vegetation would have to be permanently removed.

Note: .

- It is worth noting that, despite not carrying specific protections, this area is adjacent to NPS Wilderness and, as a higher-elevation site, is a refugia for plants and animals from climate change. There is high plant diversity in this area and very few weeds, and there is very little fire history in this area (so the plant communities are very old and intact), making it a very unique environment in the Southern Nevada District.

National Park Service's (NPS) comments (dated September 18, 2018) on the Crescent Peak Wind Project identify concerns that are likely relevant for the Kulning Wind Energy Project, which is located on a portion of the previous project area. The NPS comment stated –

“The Castle Mountains area adjacent to the Project site is known as a rare plant hotspot. Rare Plants found in the Castle Mountains include:

- *Acmispon argyraeus var. multicaulis*
- *Allium nevadense*
- *Asclepias nyctaginifolia*
- *Coryphantha vivipara ssp. rosea*
- *Cymopterus multinervatus*
- *Enneapogon desvauxii*
- *Euphorbia exstipulata var. exstipulata*
- *Grusonia parishii*
- *Mirabilis coccinea*
- *Penstemon bicolor ssp. roseus*
- *Polygala acanthoclada*
- *Sanvitalia abertii*
- *Scleropogon brevifolius*

Most notable about the Project site is the presence of one of the finest Joshua tree forests in the Mojave Desert. In addition to direct habitat destruction required to construct the Project, wind turbines can have long-term effects on vegetation. Exposures to short periods of cold temperatures are required for optimal growth, reproduction and recruitment for Joshua trees (Went 1957). Wind farms can raise nighttime temperatures (Xia et al. 2016, Slawsky et al. 2015, Harris et al. 2014), which could affect plants that require winter freezes at important stages in their lifecycle, such as cold stratification of seed coat. Significant detrimental impacts could be expected to the Joshua tree woodland within the project area as well as the nearby Wee Thump Joshua Tree Wilderness as a consequence, including general inhibition of vegetation growth and productivity (Tang et al. 2014).”

Weed Constraints
<p><i>Considerations:</i></p> <ul style="list-style-type: none"> • Whether there are non-native and/or noxious weed species present or adjacent to the project area. • Whether the project activity is likely to result in the establishment of noxious/invasive weed species. • Whether the spread of non-native and/or noxious weed species would result in impacts to the surrounding areas and whether that would have impacts to important areas such as Critical Habitat Units, ACECs, sensitive plant habitat, NCA's, National Monuments, etc.
<p><i>Description of Issues:</i></p> <ul style="list-style-type: none"> • In previous surveys of the application area, buffelgrass (<i>Pennisetum ciliare</i>), a noxious weed, was located within the transmission line footprint. There are other known weed species in the area, including red brome and Mediterranean grass. • Puncturevine (NV-state listed noxious weed) is spreading throughout the region including areas around Wee Thump, Walking Box Ranch and Pine Spring. Puncturevine is also present along Highway 164. Sahara mustard occurs in the region as well along Highway 95 and Highway 163. Puncturevine and Sahara mustard readily invade disturbed areas. Other "weedy," nonnative mustards and Russian thistle would also be expected to invade as well. • The project could result in the introduction and establishment of noxious and invasive weed species, which would be a major impact to the area since it is currently lacking high densities of invasive species. • The analysis area is near a wilderness within the Mojave National Preserve in California and abuts the Wee Thump Wilderness in Nevada. The project also is adjacent to the Piute Eldorado Area of Critical Environmental Concern and desert tortoise Critical Habitat, both of which could be impacted by weed introduction and spread from this project.

Cultural and Native American
<p><i>Considerations:</i></p> <ul style="list-style-type: none"> • Whether there are isolated documented sites and sites within 1000 meters of the project area. • Whether there are ineligible archaeological sites and possible Native American cultural or religious sites, including high potential areas like river terraces or springs. • Whether there are eligible archaeological resources that require treatment and known Native American Cultural or religious sites. • Whether there are significant eligible intact sites and undisturbed human burials.
<p><i>Description of Issues:</i></p> <ul style="list-style-type: none"> • If the footprint deviates from that of the previously proposed Crescent Peak Wind Project than additional cultural survey will likely be required, and indirect effects will need to be re-assessed. If the results of additional survey are like those of the Crescent Peak Project, then there is a moderate possibility of encountering eligible historic properties, likely consisting of prehistoric artifact scatters, rock shelters or rock art and/or historic transportation routes or mining features. • There at least 140 documented Isolated Occurrences and Features within the project area or within 1000 m of the project boundary. • There are over 100 documented ineligible archaeological sites within the project area, the majority consisting of mining sites that appear to be associated with the historic Crescent Mining District.

- There are six documented NRHP-eligible archaeological sites in the area, consisting of the Marlboro Mine, a mining arrastra, a historic road, two prehistoric rock shelters and one prehistoric artifact scatter.
- A previous indirect effects assessment was done for the Crescent Peak Project Wind Project, resulting in 79 eligible (or listed) sites that may be visually impacted (e.g., Walking Box Ranch, Keyhole Canyon, Tinaja Draw Petroglyphs, railroads, transmission lines, mining features) as well as 829 unevaluated sites that may be visually impacted.
- The Spirit Mountain Traditional Cultural Property (TCP) may experience indirect effects from this project. Spirit Mountain TCP is listed on the National Register of Historic Places.
- The Old Spanish National Historic Trail may occur within the indirect APE and could possibly be visually impacted.

Native American Concerns

The 2018 ASLM Letter stated –

“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.”

Many Native-American tribes affiliated with this area have recently expressed concern specific to this project’s potential impact on cultural and natural resources.

The Chemehuevi Indian Tribe sent a letter (dated July 21, 2021) in opposition to the Kulning Wind Energy Project due to perceived impacts to the Salt Song Trail due to its proximity to Spirit Mountain and expressed support of Fort Mojave Indian Tribe’s proposed Avi Kwa Ame monument via draft tribal resolution. The Tribe raised additional concerns about potential impacts to the Gilded Flicker bird in the nearby Wee Thump Wilderness Area and to Golden Eagles from wind turbines.

The Fort Mojave Indian Tribe recently sent a letter (dated July 15, 2021) in opposition of the proposed Kulning Wind Energy Project because of its potential impacts to the regional cultural landscape of the proposed Avi Kwa Ame National monument centered on Spirit Mountain. Fort Mojave Indian Tribe previously passed a Tribal resolution proposing the monument and against development within the proposed monument’s boundaries. The Tribal Council for the Fort Mojave Indian Tribe, caretaker of Avi Kwa Ame on behalf of the Yuman Tribes, adopted a resolution in 2019 strongly supporting the BLM’s decision to terminate Crescent Peak, stating “any industrial project in this area is not culturally or environmentally appropriate nor are any future projects that will create cumulative impacts to the sensitive cultural and biological landscapes which surrounds the National Register of Historic Places

Listed Property of Avi Kwa Ame (Spirit Mountain).” The resolution also stated the Tribal Council “fully supports and endorses the establishment of the Avi Kwa Ame (Spirit Mountain) National Monument, protecting the connectivity of a natural and cultural landscape of significant importance spanning between California/Nevada border on the west to Lake Mead National Recreation Area on the east, and to the Dead Mountains and the important Granite Springs site to the south. The Monument will protect endangered wildlife and habitat, cultural and ethnographic resources, and multiple properties of traditional religious and cultural importance.”

The Colorado River Indian Tribes recently sent a letter (dated May 5, 2021) expressing concerns of potential impacts to cultural resources and requested continued Government to Government consultation on the project.

Additionally, a letter from the Environmental Protection Agency (EPA) (dated August 30, 2021) stated

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“The EPA understands that a coalition has proposed to designate 384,000 acres in southern Nevada as the Avi Kwa Ame National Monument. Avi Kwa Ame is the Mojave name for Spirit Mountain and the surrounding landscape, which is sacred to 12 Native American Tribes in the Colorado River area. Much of this land is already protected as critical habitat. The Ave Kwa Ame National Monument, as proposed, would stretch from the Mojave National Preserve in California to parts of the Lake Mead National Recreation Area, providing migratory corridors for wildlife and outdoor recreational opportunities for humans. The proposed KWEP would be situated within the proposed Avi Kwa Ame National Monument, potentially conflicting with the protection of cultural values, natural landscapes, and migration corridors preserved within the monument. The KWEP POD does not address this issue nor does the Eolus Response. The EPA recommends that BLM directly address the compatibility of the KWEP, or any other wind development project in this area, with the potential designation of the Avi Kwa Ame National Monument.”

The City of Boulder City and the Searchlight Town Advisory Board have formally expressed support for designation of the proposed Avi Kwa Ame National Monument.

Project Sponsor’s council sent a letter to the BLM, dated August 25, 2021, relevant excerpts from the letter -

“The Environmental Groups assert that KWEP is ‘[i]nconsistent with trust responsibilities to protect this sacred landscape,’ noting that the Tribal Council for the Fort Mojave Tribe adopted a resolution in 2019 supporting BLM’s decision to reject the previously proposed project and supporting establishment of a Avi Kwa Ame (Spirit Mountain) National Monument...”

Visual impacts to Avi Kwa Ame (Spirit Mountain) would be minimal to almost imperceptible depending on ambient conditions...A visual simulation of KWEP from Avi Kwa Ame depicted in Figures 1 and 2, below, shows neither form nor contrast are impacted by KWEP, which is almost invisible from this distance...

While CPR considers the information above to conclusively demonstrate a de minimis visual impact from Avi Kwa Ame, it is still a sensitive topic that requires nation-to-nation consultation, NEPA review, and National Historic Preservation Act Section 106 review to ensure that the public and

decisionmakers like BLM are fully informed before taking a position on whether the KWEP project should be approved, modified, or denied on these and other grounds of environmental review. ”

The letter’s response to the statement attributed to Environmental Groups Tribal expressing concerns relating to “sacred landscape” and Fort Mojave Indian Tribe’s resolution in favor of designation of a Kvi Kwa Ame National Monument. Instead, the letter responds with a discussion of visual affects to Avi Kwa Ame (Spirit Mountain), which is listed on the Register of National Historic Places as a Traditional Cultural Property (TCP). The BLM notes that in consultations, Tribes have expressed concerns that extend beyond the boundaries of Avi Kwa Ame (Spirit Mountain) which is evident in the extent of the national monument proposal. The BLM notes that conclusions regarding visual impact to Avi Kwa Ame (Spirit Mountain), would have to be reached following a more thorough visual analysis conducted in accordance with BLM policy and it would be premature to reach the conclusions identified in the letter in the absence of the thorough visual analysis.

The project sponsor, in the letter from council, acknowledges that this is a “sensitive topic” and describes consultation and coordination that supports complexity associated with the application processing.

Recreation

Considerations:

- The level of casual use recreation.
- Types and numbers of special recreation permits in the area.
- Whether the proposed project area occurs within a Special Recreation Management Area identified in a Land Use Plan that is managed specifically for recreation opportunities.
- The proposed project area occurs within a Special Recreation Management Area identified in a Land Use Plan that is managed specifically for recreation opportunities, and has developed recreation facilities (trailheads, kiosks, staging areas), in addition to having special recreation permitted activities.

Description of Issues:

- The area receives a small amount of casual use in the form of off-highway vehicle (OHV) riding, motorcycle riding, hunting, target shooting, rock hounding, and dispersed camping.
- The area has a motorcycle racing Special Recreation Permit (SRP) that is permitted annually.
- The area is not in a Special Recreation Management Area.

Range / Grazing

Considerations

- Whether the project area is located in any active grazing allotment.
- Whether the development of the solar facility make grazing impossible within the active allotment (development of key forage areas or key water sites).
- Whether the project is in an allotment where Clark County has purchased the grazing preference to protect desert tortoise under the MSHCP (Arrow Canyon, Arrow Canyon in Battleship Wash, Beacon, Bunkerville, Crescent Peak, Christmas Tree Pass, Gold Butte, Hen

Springs, Ireteba Peaks, Jean Lake, McCullough Mountain, Mesa Cliff, Roach Lake, Table Mountain, Toquop Sheep, Upper Mormon Mesa, White Basin).

Description of Issues:

- The project area is not located in an active grazing allotment.
- The project area is not in an active grazing allotment and therefore there would be no impacts to forage areas or water sites.
- The project is within in an allotment where Clark County has purchased the grazing preference to protect desert tortoise under the Multiple Species Habitat Conservation Plan (MSHCP) (the historic Crescent Peak grazing allotment). The allotment preferences were purchased to remove grazing to mitigate impacts on desert tortoise habitat from development in Clark County. Development within this area would have to be reviewed to assess if this project would impact the County's mitigation actions within the MSHCP.

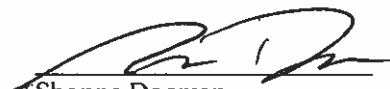
Section 4 - Priority Decision

Priority Decision	
Based on the BLM screening criteria found in 43 CFR 2804.35, and additional resource considerations, the project priority category has been determined to be:	Low

Justification: In light of the resource conflicts described above, the BLM has determined the application for the Kulning Wind Energy Project to be a Low Priority for processing, in accordance with regulation. In reaching this conclusion, the BLM conducted a review of the proposed Kulning Wind Energy Project, including review by an interdisciplinary team of resource specialists, information submitted by the project sponsor, comments received from Federal and state agency and Tribal governments, and comments received from other interested parties. The proposed project is located on a portion of the Crescent Peak Wind Energy Project (previously denied by the BLM), so relevant information and comments from the review of that project were also considered.


Though it was not a determinate factor for the Priority Decision, the Project Sponsor Report notes that current proposed legislation (identified in report as "2019 Southern Nevada Lands Bill") includes a Wilderness Expansion (identified in Figure 3 of the report as Mojave SMcC Expansion Proposal) that overlaps nearly half of the development site, as well as a large portion of the proposed transmission line.

Also, not a determinative factor, letters of concern were received from residents of private inholdings within the proposed project area. The letters included concerns relating to: visual impacts, property values, noise, fire risk, effects to livestock, wildlife, and recreation.


 Shonna Dooman
 Field Manager
 Las Vegas Field Office

11/12/2021
 Date

Concurrence / Non-Concurrence


 Angelita S. Bullets
 District Manager
 Southern Nevada District

11/12/2021
 Date

¹ BLM. 2012a. "Approved Resource Management Plan Amendments/Record of Decision for Solar Energy Development in Six Southwestern States." October.

ⁱⁱ BLM. 1998. "Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement." October.

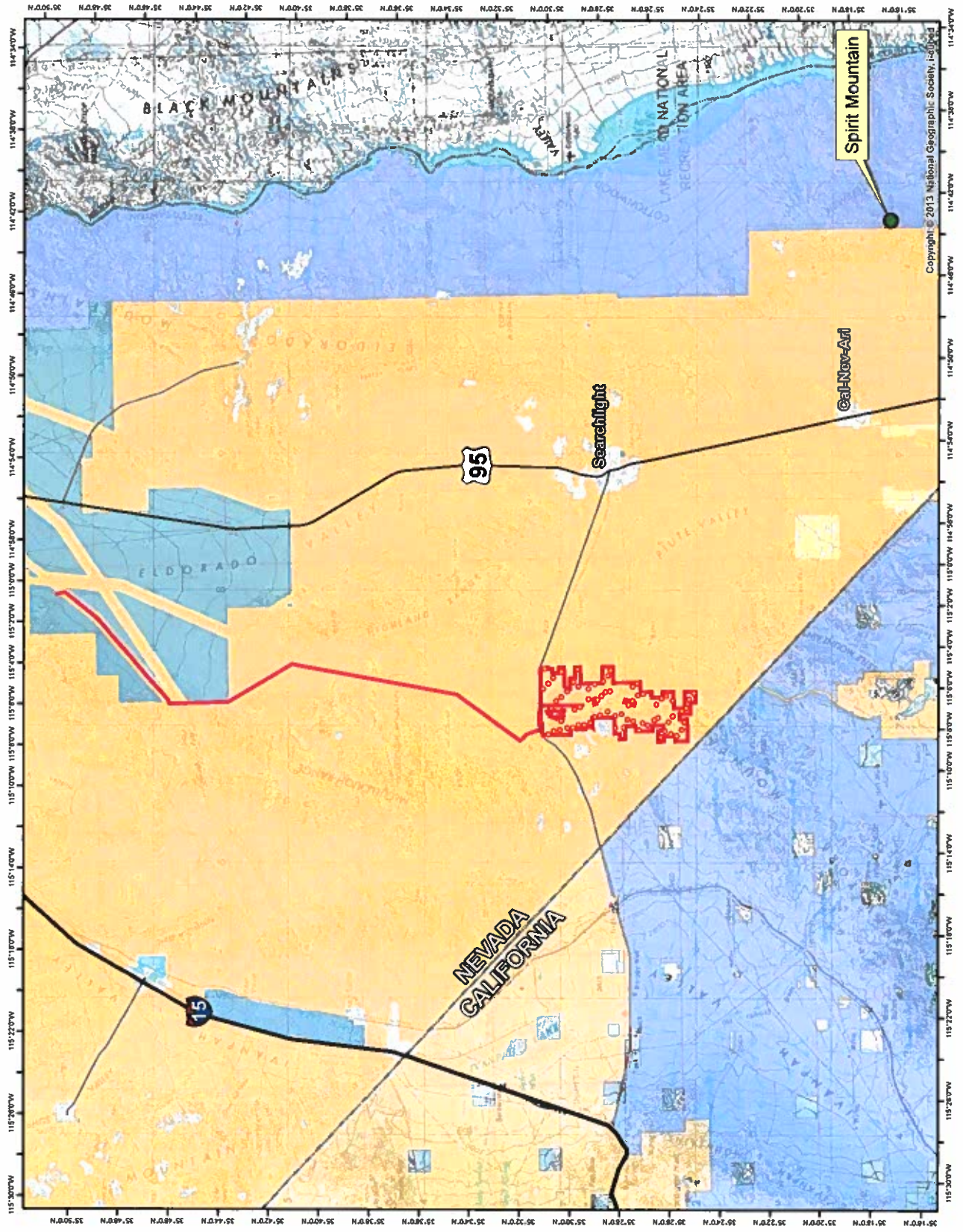
ⁱⁱⁱ <https://www.doi.gov/ourpriorities>

^{iv} <https://blmspace.blm.doi.net/wo/600/commtools/SitePages/Leadership%20Priorities.aspx>

^v <https://ecos.fws.gov/ecp0/reports/species-listed-by-state-report?state=NV&status=listed>

^{vi} <http://heritage.nv.gov/species/process.php>

^{vii} <https://www.blm.gov/policy/nv-im-2018-003>



BLM
Southern Nevada District
Kulning Wind Project
NVN-100347

Project Prioritization
Proposed Project Area

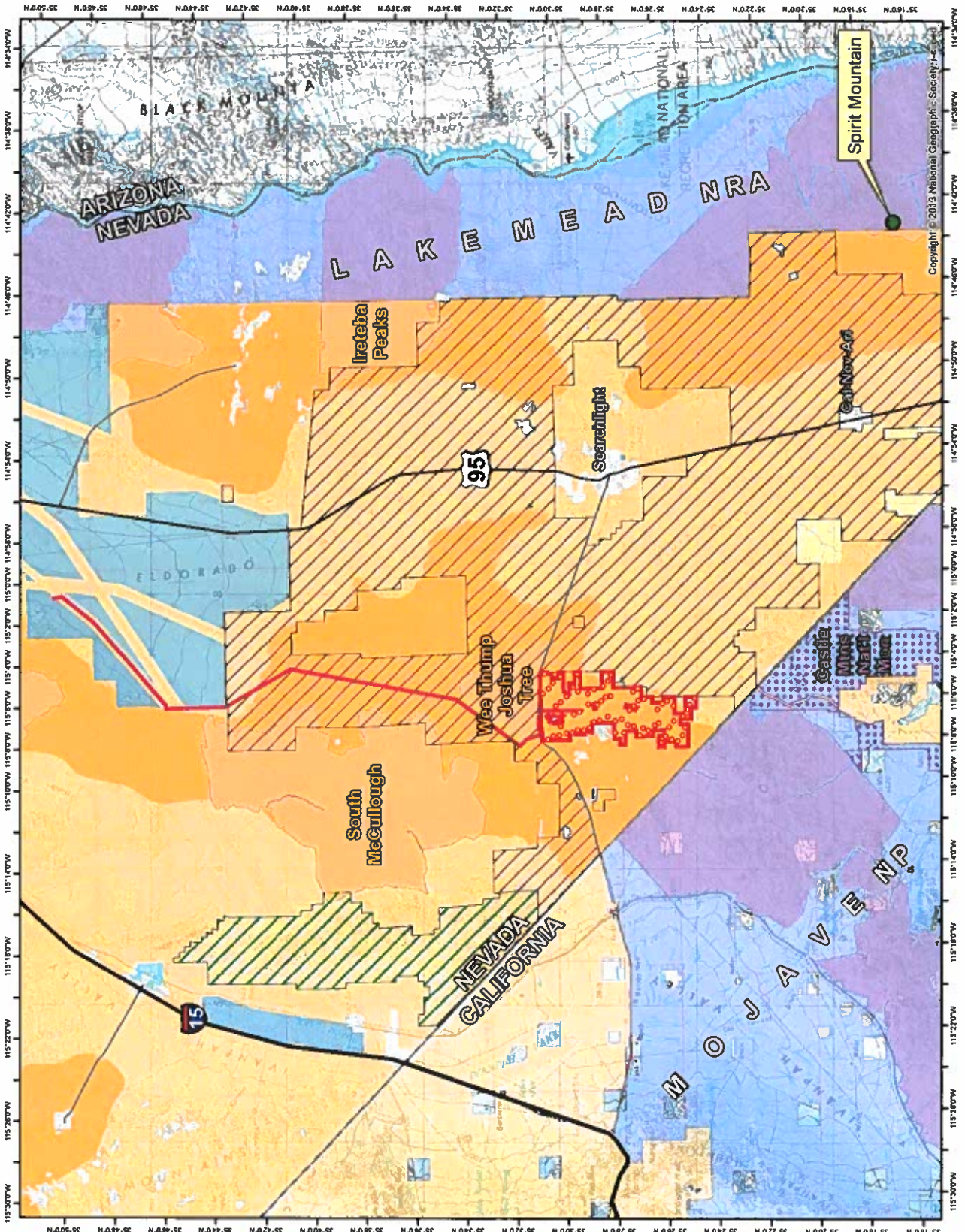
- Kulning Wind turbines
- Kulning Wind project area
- 230kV-Gen-Tie
- Bureau of Land Management
- Bureau of Reclamation
- National Park Service
- Nevada State
- Local Government
- Private

Let Love Go! - UTM Zone 11, NAD 1983
 Degrees Minutes Seconds
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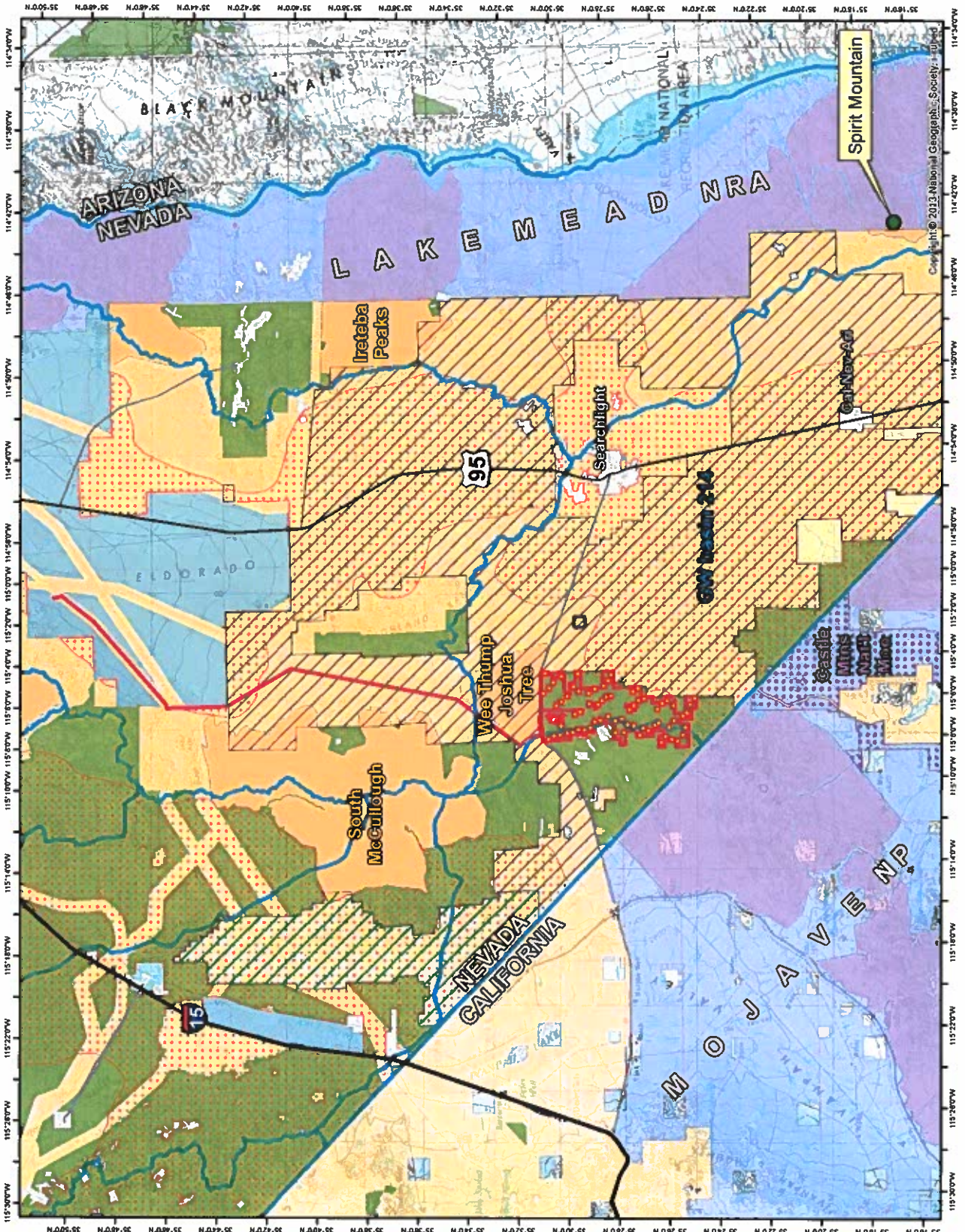
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- BLM**
Southern Nevada District
Kuling Wind Project
NVN-100347
Project Prioritization
Low Priority Criteria
- Kuling Wind project area
 - Kuling Wind turbines
 - Kuling Wind gen-tie line
 - VRM Class II
 - Biological ACEC
 - Cultural ACEC
 - Desert Tortoise ACEC
 - Castle Mtns NM
 - BLM Wilderness
 - NPS Wilderness
 - Bureau of Land Management
 - Bureau of Reclamation
 - National Park Service
 - Nevada State
 - Local Government
 - Private

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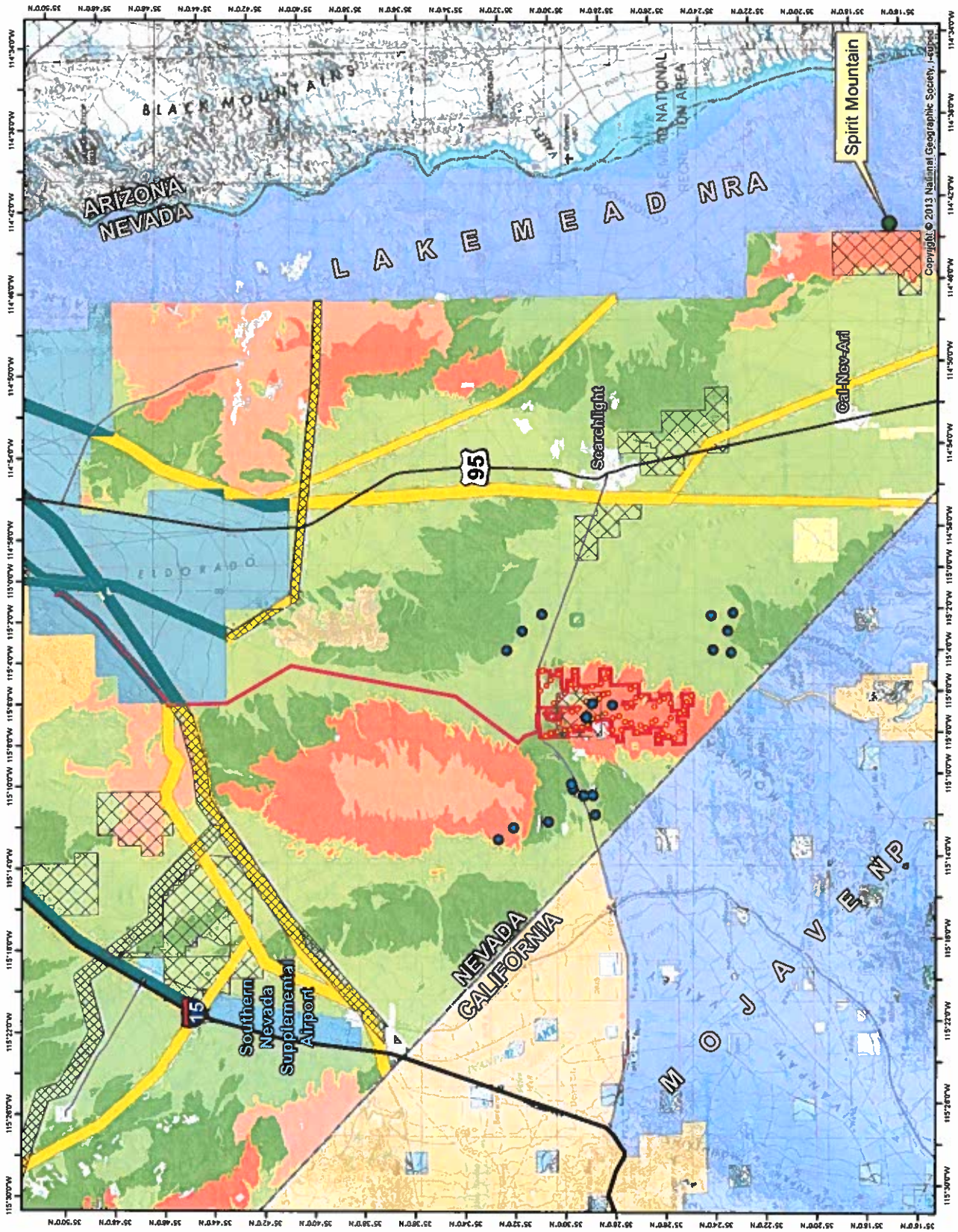
BLM
Southern Nevada District
Kulning Wind Project
NVN-100347

Project Prioritization
Medium Priority Criteria

- Kulning Wind turbines
- ▭ Kulning Wind project area
- Kulning Wind gen-tie line
- ▭ groundwater basins (NV)
- ▭ DoD HRA/IZ from WWMP
- ▭ Biological ACEC
- ▭ Cultural ACEC
- ▭ Desert Tortoise ACEC
- ▭ VRM Class 3
- ▭ Waking Box Ranch
- ▭ Castle Mtns NM
- ▭ BLM Wilderness
- ▭ NPS Wilderness
- ▭ Bureau of Land Management
- ▭ Bureau of Reclamation
- ▭ National Park Service
- ▭ Nevada State
- ▭ Local Government
- ▭ Private

Map Long Dist - NVN Zone 11, MWD 1983
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BLM
Southern Nevada District

Kuling Wind Project
NVN-100347

Project Prioritization
Local Considerations

- Kuling Wind turbines
- Kuling Wind gen-tie line
- Kuling Wind project area
- springs (close proximity only)
- ▨ West Wide Energy Corridor
- ▨ Legislative Corridor
- ▨ designated utility corridor
- ▨ SNDO Community Pit
- ▨ Walking Box Ranch
- Soil (Water Erodibility Class)
 - Light
 - Moderate
 - Severe
 - Very severe
 - Not rated
- Bureau of Land Management
- Bureau of Reclamation
- National Park Service
- Nevada State
- Local Government
- Private

N  S

Scale: 0 4 8 Miles

U.S. Long Grid - UTM Zone 11, NAD 1983
Datum: Everest Spheroid

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