

## NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

March 22, 2024, 9:30am

**NACO Conference Room**

**304 S. Minnesota Street**

**Carson City, NV 89703**

### **NOTICE TO THE PUBLIC:**

The public may provide public comment in advance of a meeting by written submission to the following email address: [info@nvnaco.org](mailto:info@nvnaco.org) For inclusion or reference in the minutes of the meeting, your public comment must include your full name and be submitted via email by no later than 3:00 p.m. the day before the meeting.

*The public may also join the meeting via telephone and provide verbal public comment during designated times by calling: (669) 900-9128 Meeting ID: 844 7719 5961 Passcode: 003766*

### **AGENDA**

Some NACO Board members may attend via remote technology from other locations. Items on the agenda may be taken out of order. The NACO Board may combine two or more agenda items for consideration. The NACO Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

#### **Call to Order, Roll Call and Pledge of Allegiance**

1. Public Comment. Please Limit Comments to 3 Minutes.
2. Approval of Agenda. **For Possible Action.**
3. NACO President's Report.
4. NACO Executive Director's Report.
5. Approval of Minutes of the February 23, 2024, NACO Board of Directors Meeting. **For Possible Action.**
6. Approval of a NACO Resolution in Support of National County Government Month. **For Possible Action.**
7. Review and Approval of Updates to the NACO Board Meeting Schedule for June 2024. **For Possible Action.**
8. Update on Planning Activities for 2024 NACO Annual Conference, Hosted by Carson City.
9. Possible Selection of one NACO Sponsored Applicant to Attend the National Association of Counties 2024 County Leadership Training Institute in Washington D.C. **For Possible Action.**

10. Presentation from NACO and County Natural Resources Staff Regarding Bureau of Land Management Landscape Level Planning.
11. Discussion and Approval of NACO to Join Other Nevada Counties to Engage the Legal Services of Holland & Hart to Draft a Legal Memo Regarding Recent Planning Efforts by the Bureau of Land Management. **For Possible Action.**
12. Update from NACO Public Health Coordinator.
13. Update from NACO Legislative Committee.
14. Update and Possible Action. Regarding Public Lands and Natural Resources Issues Affecting Counties Including:
  - a. Updates from the NACO Public Lands and Natural Resources Subcommittee.
  - b. Approval of NACO Comment Letter on Draft Programmatic Environmental Impact Statement (PEIS) and Resource Management Plan Update (RMPA) Regarding Utility Scale Solar Energy Development to the Bureau of Land Management (BLM). **For Possible Action.**
15. Updates from Members of the National Association of Counties Board.
16. Updates from Members of the Western Interstate Region (W.I.R.) Board.
17. NACO Board Member Updates.
18. Public Comment. Please Limit Comments to 3 Minutes.

### **Adjournment.**

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify NACO in writing at 304 S. Minnesota Street, Carson City, NV 89703, or by calling (775) 883-7863 at least three working days prior to the meeting.

Members of the public can request copies of the supporting material for the meeting by contacting Amanda Berg at (775) 883-7863. Supporting material will be available at the NACO office and on the NACO website at: [www.nvnaco.org](http://www.nvnaco.org)

*This agenda was posted at the following locations:*

NACO Office 304 S. Minnesota Street, Carson City, NV 89703

Washoe County Admin. Building 1001 E. Ninth Street, Reno, NV 89520

Elko County Manager's Office 540 Court Street #101, Elko NV 89801

POOL/PACT 201 S. Roop Street, Carson City, NV 89701

NACO Website: [www.nvnaco.org](http://www.nvnaco.org)

## Agenda Item 5

### NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

February 23, 2024, 9:30am

**NACO Conference Room**

**304 S. Minnesota Street**

**Carson City, NV 89703**

#### UNADOPTED MINUTES

**Attendance:** President Giomi, President Elect Andreozzi, Vice President Gardner, Past President Higbee, Clark County Commissioner Kirkpatrick, Esmeralda County Commissioner Keyes, Humboldt County Commissioner Tipton, Lincoln County Commissioner Reese, Lyon County Commissioner Keller, Nye County Commissioner Boskovich, Pershing County Commissioner Crim, Storey County Commissioner Carmona, Washoe County Commissioner Andriola, Washoe County Commissioner Herman, White Pine County Commissioner VanCamp and NACO Staff (Vinson Guthreau, Jennifer Berthiaume, Jacob Brinkerhoff, Amy Hyne-Sutherland and Amanda Berg)

The meeting was called to order at 9:31 a.m.

1. **Public Comment.** None was given.
2. **Approval of Agenda.** The agenda was approved as presented by consensus of the Board.
3. **NACO President's Report.** President Giomi thanked those Commissioners who had attended the recent National Association of Counties (NACo) Legislative Conference in Washington DC. He discussed planning for the upcoming NACO Annual Conference that will be hosted by Carson City, September 24-26 and commented on 2024 being the 100<sup>th</sup> Anniversary of NACO and looking forward to the future of NACO while honoring the history of the Association.
4. **NACO Executive Director's Report.** Vinson also thanked those that attended the NACO Legislative Conference even though there were no visits with Nevada's federal representatives due to the congressional calendar. He also thanked Storey County for their sponsorship of the dinner that was held for the Nevada attendees. Vinson discussed BEAD funding and other broadband dollars that will be coming to the State and informed the Board that he has been working with State staff and Senator Rosen's office to identify where the funding is most needed. He also encouraged the Board to participate in the challenge process to correctly inform the maps showing both available service and where service is lacking, informing the Board that the challenge process would begin on February 27<sup>th</sup> and conclude on March 28<sup>th</sup>. Vinson concluded his remarks by announcing that more detailed information on the processes would be distributed to the members.
5. **Approval of Minutes of the January 26, 2024, NACO Board of Directors Meeting.** The minutes were approved as presented on a motion by Commissioner Herman with second by Commissioner Andriola.
6. **Update from Andrew Bennett, Director, Clark County Office of Traffic Safety, Regarding the Nevada Advisory Committee on Traffic Safety.** Mr. Bennett gave the

Board an overview of his career in transportation and reminded them that Vinson was their previous representative on the Committee. He discussed the history of the Committee including the makeup of the membership and its creation in NRS. Mr. Bennett then informed the Board that he is currently serving as the Committee's Chair and let them know that the Legislative appointments to the Committee were recently received. He also discussed the duties of the group as established by NRS, including the task of yearly reporting to the Legislature and recommendations for future legislation. Mr. Bennett concluded his remarks by informing the Board of the Committee's priorities, including the implementation of the new traffic citation processes, updates to school zones and graduated drivers licensing procedures and increased messaging and signage in pedestrian crossing areas. President Elect Andreozzi inquired as to if the NDOT High Hazard Intersection program was still in existence and Mr. Bennett informed him that it is a separate NDOT taskforce, and he will connect him with the appropriate person to answer his questions. Vice President Gardner mentioned issues with speeding on HWY50 in the Lake Tahoe Corridor and the possible usage of traffic cameras. Mr. Bennett stated that the issue of traffic camera's is a topic of conversation within the Committee and informed the Board that while a BDR was submitted during the last legislative session, it was unsuccessful and they are intending to submit another BDR regarding their usage during the 2025 session, noting that current data suggests that the proper usage of traffic cameras saves lives.

7. **Re-Appointment of Andrew Bennett, Director, Clark County Office of Traffic Safety, as the NACO Appointee to the Nevada Advisory Committee on Traffic Safety (NFACTS).** Mr. Bennett's reappointment was made unanimously on a motion by President Elect Andreozzi with second by Commissioner Andriola.
  
8. **NV Energy Presentation Regarding Renewable Energy Projects in Nevada and the Nevada Greenlink Project, Chris Dancy, Renewables and Origination Senior Project Manager and Charles Hutchinson, Environmental Planner, Power Engineers.** NV Energy Government Relations Representative, Chloe Chism introduced the item and reminded the Board that she is available to them for questions or concerns regarding the utility. Mr. Dancy then gave an overview of the company's renewable energy profile and noted that they are striving for a 50% reduction in carbon emissions by 2030 and to have zero carbon emissions by 2050. He informed the Board that local zoning ordinances are key to the project's successes and that they are working with the State on an incentive process. He discussed the development process and informed the Board that it is a common misconception that developers automatically sell the energy obtained from projects to NV Energy, outlining their detailed process for determining which development projects they purchase energy from. Commissioner Kirkpatrick discussed rural communities with strictly volunteer fire departments and the stress renewable projects put on local service delivery, noting that additional resources are needed for those departments for training and equipment necessary to provide the specialized services the projects will need in case of a fire or other emergency issue. Mr. Dancy stated that their plan is to work with communities to identify and help provide those resources, and Commissioner Kirkpatrick stated that the issue needs to be one of the first conversations held with local authorities, prior to any zoning related conversations, and that those items should also be included in any development agreements. Commissioner Keller, then noted that those conversations need to be expanded to all emergency management departments, not just fire. President Giomi also stressed the importance of having those conversations early in the development process so that the companies can have a proper understanding of the counties' service delivery capacities. Commissioner Keyes discussed a meeting to be held with a development group the following week and requested further information from NV Energy prior to that meeting. Commissioner Tipton inquired about plans to revamp a powerplant in his county

to natural gas and the status of the project. Mr. Dancy informed the Commissioner that he is not within that department and Ms. Chism informed the Commissioner that she would get the requested information to him. President Elect Andreozzi inquired about battery disposal and President Giomi stated that he had received questions from constituents, not only about the disposal of batteries but of the panels as well. The Board was informed that there are existing recycling facilities in the state and that there are also existing plans for expansion of those facilities. Mr. Hutchinson then gave the Board an overview of the Greenlink project, including (Senate Bill 448) SB448 that created the project. He informed the Board that pursuant to the approved schedule the project must be energized by 2028 and gave them an overview of the project timeline. He noted that Records of Decision from the associated federal agencies are expected in the summer of 2024 and in early 2025 and that they will be working with the necessary county permitting processes in conjunction with the construction schedules. Ms. Chism concluded the item by thanking the Board for their attention and reminding them that she is a resource for the necessary conversations with the counties.

9. **Possible Selection of one NACO Sponsored Applicant to Attend the National Association of Counties 2024 County Leadership Training Institute in Washington, D.C.** Vinson reminded the Board of the program, and that the Association budget includes payment of the tuition for a Nevada attendee if one is selected by NACO. He also noted that the County Leadership Training Institute is a separate program from the High-Performance Leadership Academy. Vinson informed the Board that Training is specific to Commissioners and that applicants should have two to three years of service experience, and that the training serves a part of the Association's mission of education. Vinson informed the Board that the Training will take place June 9-13 and he stressed that applicants must commit to attending the full event in Washington DC. Vice President Gardner inquired as to the financial costs to the applicants and Vinson reiterated that NACO pays the tuition but in the past the Association has provided additional financial support on a case-by-case basis. He concluded the item by requesting that any Commissioners interested in attending reach out to him directly prior to the April Board of Directors meeting. No action was taken.
10. **Presentation and Update from Nevada Medicaid Regarding Changes to School Health Services, including Changes to the County Contribution, Stacie Weeks, Administrator, Nevada Department of Health and Human Services, Division of Health Care Financing and Policy.** Malinda Southard, Deputy of Community Engagement of the Division opened the item and informed the Board that the Division recognizes the lack of coordination with counties in the past and that they are striving to correct the issue. She and Ms. Weeks gave an overview of the services provided by the Division, their leadership team and the background of the School Health Services program including the covered services and how they are delivered. They informed the Board that 10 of the 17 counties participate in the program and informed them of the amount of the assessments paid by the counties in SFY22 and SFY23. They stated that the data collected by the Division shows that the resources available are not being fully maximized by the schools and then gave the Board an overview of the changes that will occur within the program beginning on July 1, (2024). They specifically noted that counties will no longer be fiscally responsible for the cost of the program and informed the Board that those financial resources will now be available to the counties to expand access for other school-based health related services. They concluded the item by informing the Board that the next steps by the Division for implementation of the program changes include tours and discussions with the participating school districts and that they are also seeking grant funding to assist with billing infrastructure to make it easier on the districts.

- 11. Approval of a NACO Subcommittee to Review Current Association By-Laws and Bring Forth Possible Recommendations for Updates or Changes.** President Giomi informed the Board that the last time the By-Laws were formally reviewed was in 2016 and that he feels it is important to regularly review the document, although he didn't expect the need for excessive changes. He stated that he would like a five-person committee, comprised of a cross-section of representatives from across the State, including urban and rural members, to collaborate with staff on suggested updates and/or changes. One specific section of the document that he would like the committee to consider is the need for all member counties to approve changes and to provide a more definitive process for the replacement of officers, when the need arises. Vice President Gardner requested clarification as to if By-Law changes had to be approved by all the individual Boards of Commission, which as they are currently written is required. Commissioner Kirkpatrick noted that needed to change and President Giomi suggested changing that to a 2/3 of member commissions. Staff was directed to create the Committee with statewide representation and bring suggested updates or changes to the Board on a motion by President Giomi with second by President Elect Andreozzi.
- 12. Update from NACO Public Health Coordinator.** Amy directed the Board's attention to the updated SB118 document included in the agenda packet. She informed them that the allocation numbers had been adjusted due to a calculation error, and that the Nevada Division of Public and Behavioral Health provided the new numbers. Amy reminded the Board that the dollars become available on July 1 and that the State would like to have agreements in place with the counties prior to that date. She discussed the flexibility for usage of the funds and reminded them that for the counties with health districts, they will receive the funds. Amy stressed that effective usage of the funding will help to ensure that the program is included in the Governor's budget going forward, thus ensuring more sustainable funding, and will help to draw down additional dollars in the future, reminding the Board that she is available to assist them with the process. Amy informed the Board that she had just returned from a conference in New Mexico where she learned about how public health infrastructure is set up in other states. She informed the Board that she was able to identify states with similar needs and challenges and that she had shared the public health needs assessment project being conducted with Extension and that she brought back a lot of ideas and opportunities to explore and develop successful programs for counties from the ground up. No action was taken.
- 13. Update and Possible Action. Regarding Public Lands and Natural Resources Issues Affecting Counties Including:**

  - a. Updates from the NACO Public Lands and Natural Resources Subcommittee.** Jacob informed the Board that the Committee had discussed the landscape level planning efforts coming from Washington DC, and a proposed refuge management rule from the Fish and Wildlife Services which would eliminate agriculture as a possible land use on refuges. He informed the Board that Eureka County Natural Resources Manager, Jake Tibbitts is now the Local Government representative on the Sagebrush Ecosystem Council. The Committee also discussed the Nevada Department of Environmental Protection's proposed Climate Action Plan and grant dollars that will be available for counties. Commissioner Tipton noted that the BLM's current landscape level planning efforts appear remarkably similar to BLM's previous Planning 2.0 proposal which was struck down by congress and requested a future item on the Board agenda to discuss new efforts challenging this. He also noted that the issue would be discussed at the WIR conference in May.

- b. **Discussion and Possible Approval of NACO Comment Letter on Draft Environmental Assessment to U.S. Fish and Wildlife Service (USFWS) Regarding Raven Depredation Permitting.** Jacob informed the Board that a comment letter had been prepared and gave a background of the issue. He noted that USGS data show that the raven population is growing exponentially across the great basin and is one of the largest threats to Greater Sage grouse and the Desert Tortoise conservation. The consensus of the Committee is that the allowed take needs to exceed what the FWS has proposed. No action was required on the item.
14. **Updates from Members on the National Association of Counties Board, Western Interstate Region Board, and Individual Counties.** Updates on the NACo Board of Directors and WIR Board will be given following upcoming meetings. Members of the Board gave updates on activities within their counties.
15. **Public Comment.** Holly Gatske, from Extension discussed the service delivery model transitions and subsequent staffing changes that will be occurring in the counties and reminded the Board that she is available to them.

The meeting was adjourned at 11:54 a.m.

# Resolution

## *of the Nevada Association of Counties*

### *24-01*

#### **A RESOLUTION IN SUPPORT OF NATIONAL COUNTY GOVERNMENT MONTH**

**WHEREAS**, the nation's 3,069 counties serving more than 330 million Americans provide essential services to create healthy, safe and vibrant communities; and

**WHEREAS**, counties fulfill a vast range of responsibilities and deliver services that touch nearly every aspect of our residents' lives; and

**WHEREAS**, the Nevada Association of Counties and all counties take pride in our responsibility to protect and enhance the health, wellbeing and safety of our residents in efficient and cost-effective ways; and

**WHEREAS**, under the leadership of the National Association of Counties President Mary Jo McGuire, NACo is highlighting county leadership through the lens ForwardTogether, celebrating the role of county governments in connecting, inspiring and leading as intergovernmental partners; and

**WHEREAS**, that role includes a responsibility to inspire county residents to engage with their communities, and to lead by highlighting our strength as intergovernmental partners; and

**WHEREAS**, each year since 1991 the National Association of Counties has encouraged counties across the country to elevate awareness of county responsibilities, programs, and services; and

**WHEREAS**, the Nevada Association of Counties' membership is comprised of all seventeen Nevada County Governments, and believes that county government, being closest to the people, has the best opportunity to make positive change and lead our communities into the future.

**NOW, THEREFORE, we, the Nevada Association of Counties**, do hereby proclaim April 2024, as "**NATIONAL COUNTY GOVERNMENT MONTH**" **In all Nevada counties** and encourage all county officials, employees, schools, and residents to participate in county government celebration activities.

**PASSED, APPROVED AND ADOPTED** this 22nd day of March, 2024 by the Board of Directors of the Nevada Association of Counties.

**Attests:**

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Stacey Giomi  
President

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Vinson W. Guthreau  
Executive Director



# 2024

## NACO Meeting and Event Calendar – Adopted

NACO Board Meetings - NACO Annual Conference (Carson City)

WIR Conference - National Association Conferences

Recognized Holiday's (NACO Offices Closed)

### January

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### April

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Meeting to be held in an eastern rural county.

### July

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### September

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### October

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### November

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### December

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Meeting to be held in Clark County.



## County Leadership Institute

### About CLI

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- [2024 Brochure](#)
- [Explore alumni by year](#)

The County Leadership Institute (CLI) is a rigorous program comprised of three days of in-person instruction and virtual meetings offered by NACo to enhance the capability of county officials to identify and implement innovative solutions to complex challenges facing county government. Attendees learn how to effectively address the demands of personal leadership in a new era of government. This era is characterized as a “permanent crisis” by CLI Program Developer and Cambridge Leadership co-founder Marty Linsky. Please note that nominations are accepted from state county associations. If you are interested in attending the CLI program, please contact your state county association for a nomination.

If you are nominating a CLI attendee, please submit this form or download the 2023 brochure and submit your nomination via the link in the brochure. For further assistance or information about CLI, please reach out to Leenah Hegazy at [LHegazy@naco.org](mailto:LHegazy@naco.org).

# 2024 Schedule

## **Sunday, June 9** (Travel Day)

5:30 PM - 7:00 PM | Welcome Reception

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## **Monday, June 10**

8:30 AM - 9:00 AM | Breakfast (Included)

9:00 AM - 12:00 PM | Workshop Sessions

12:00 PM - 1:00 PM | Lunch

1:00 PM - 5:00 PM | Workshop Sessions

6:30 PM - 8:30 PM | Dinner (Included)

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## **Tuesday, June 11**

8:30 AM - 9:00 AM | Breakfast (Included)

9:00 AM - 12:00 PM | Workshop Sessions

12:30 PM - 1:45 PM | Lunch

1:45 PM - 5:30 PM | Workshop Sessions

5:30 PM | Adjourn

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## **Wednesday, June 12**

8:30 AM - 9:00 AM | Breakfast (Included)

9:00 AM - 12:00 PM | Workshop Sessions

12:30 PM - 1:15 PM | Lunch

1:15 PM - 5:30 PM | Workshop Sessions

6:00 PM - 7:00 PM | Reception and Graduation

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## **Thursday, June 13** (Travel Day)

11:00 AM | Hotel Check-out

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## Frequently Asked Questions

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### When is it held?

The Institute opens with an evening reception on Sunday, June 9 and concludes on Thursday, June 13, 2024. Participants are expected to arrive on June 9 and leave the morning of June 13. Participants should be present for all in-person and online activities. If a candidate cannot meet the time requirements, then they are encouraged to apply for the next cycle of applications.

The program's format includes three in person days located at NACo HQ in Washington, D.C., followed by a one-day learning session at the Annual Conference, which is also mandatory.

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### Who is eligible to attend CLI?

CLI is designed for elected officials with at least three years of experience in county government. Candidates must be a representative of a NACo member county. The class is limited to a maximum of 30 participants. CLI accepts only one candidate from any given state.

(For State Associations) If you wish to nominate more than one person, please rank your nominees. If your first nominee withdraws, your second nominee will be considered as an alternate. Nominations will close on April 1, 2024. You can access the nomination form [here](#).

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### What makes a good candidate?

Those who will benefit the most from CLI are successful county officials with bold aspirations and a driving sense of purpose. These individuals are willing and ready to move beyond their comfort zone. They are ready to push themselves and others in service of transformation, while striving to reach the next level of impact.

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### What are the goals of the Institute?

Participants gain exposure to the adaptive leadership framework and consultation on a current challenge facing them and the community they serve. Throughout the week, participants will engage in networks of interested parties to develop solutions to difficult challenges facing their communities. Challenged by faculty and peers, CLI attendees explore concepts and develop relationships that affirm and direct their leadership potential at local, state and federal levels.

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## What are the costs?

The \$1800 registration fee covers the program, hotel room, several meals, and local transportation during the event if needed. Attendees are responsible for travel costs, including airfare, ground transportation, some meals and other incidentals.

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## What if I can't attend?

If your nomination is confirmed and you are unable to attend, contact Leenah Hegazy at [Lhegazy@naco.org](mailto:Lhegazy@naco.org) as soon as possible.

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## Who are the instructors?

**Jill Hufnagel** is an international expert on adaptive leadership and case-in-point learning, she provides coaching and consultation on unwieldy organizational challenges and designs and delivers immersive leadership workshops built on deep capacity development and possibility thinking.

Her clients include Fortune 500 companies, tech firms and financial institutions, school districts and health care organizations, as well as both federal government and global governing organizations. In addition to her e-book Teachable Moments of Leadership, her writing has appeared in The Kansas Leadership Center's Journal, The Spin and the International Leadership Association's Building Bridges. Jill began her career working for the Secretary of the U.S. Senate, was the Associate Director of the Batten Leadership Institute, and has served on the executive education faculty at Harvard's Kennedy School and as a Senior Consultant with Cambridge Leadership Associates. She is a Senior Associate with the Kansas Leadership Center and on the senior faculty of the Beacon Leadership Collaborative. Jill believes the work of leadership is about using strategically the tool that is you to help your corner of the world to thrive and as such: is everyone's to claim.

**Tim Steffensmeier** is faculty at the Kansas Leadership Center, teaching leadership to thousands of adults in government, business, education, non-profit, and faith sectors.

This includes facilitating leadership programs for elected legislators. In 2017, Steffensmeier became the founding director of Third Floor Research, a KLC applied research center aimed at improving the way leadership is exercised in communities and organizations. Tim also serves as professor and director of the Kansas State University Office of Engagement, connecting Kansans and communities beyond the state to the resources and expertise of a land-grant University. As a professor of communication, Tim's scholarship and practice focus on community engagement, public deliberation, and leadership. His current book, *Leading Change in the Public Square*, is an analysis of how rural communities embraced cross-sector problem-solving. Tim is a former department head, director of an inter-disciplinary doctoral program, and earned a Ph.D. in Communication Studies at the University of Texas, Austin.

## 2023 County Leadership Institute Participants



**Commissioner Chris Abbuhl**

Tuscarawas County, Ohio

**Commissioner Allan Angel**

Kent County, Del.

**Chastity Benson**

Director of Operations & Educational  
Programs

California State Association of Counties, Calif.

**Commissioner Ross Butcher**

Fergus County, Mont.

**County Judge J.D. Clark**

Wise County, Texas

**Commissioner Tare Davis**

Warren County, N.C.

**Commissioner Tracy Graham**

Audrain County, Mo.

**Commissioner Neal Gaalswyk**

Cass County, Minn.

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660 North Capitol Street, NW Suite 400  
Washington, DC 20001

(202) 393-6226

(888) 407-NACo (6226)

[Contact Us](#)





# Nevada Association of Counties

304 S. Minnesota Street  
Carson City, NV 89703  
775-883-7863  
[www.nvnaco.org](http://www.nvnaco.org)

## DATE

Jeremy Bluma  
U.S. Department of the Interior Director (HQ-300)  
Bureau of Land Management  
1849 C St. NW #5646  
Washington, D.C. 20240

Submitted at: <https://eplanning.blm.gov/eplanning-ui/project/2022371/510>

**RE: DOI-BLM-HQ-3000-2023-0001-RMP-EIS – Utility Scale Solar Energy Development PEIS/RMPA**

Dear Mr. Bluma,

The Nevada Association of Counties (NACO) appreciates the opportunity to provide comments on the Bureau of Land Management's (BLM) Programmatic Environmental Impact Statement/Resource Management Plan Update (PEIS/RMPA) for utility-scale solar energy planning. NACO's membership includes all 17 counties in Nevada. Our organization provides specialized support and expertise to our member counties and works to improve intergovernmental cooperation and collaboration. In Nevada, where over 80% of the land is federally managed and 67% is managed by the BLM, federal land management decisions are of critical importance to our member county governments and to the local communities across the state that they serve. We provided public scoping comments in February of 2023 when the BLM first initiated this PEIS/RMPA update effort (attached here for reference), and we have participated as a cooperating agency on behalf of member counties through the administrative drafting process. Unfortunately, many areas of concern with this PEIS remain, and we disagree with the BLM's preferred alternative as stated in the current public version. We offer the following comments to highlight our concerns and urge the BLM to adopt a preferred alternative that better balances the BLM's mandates for multiple use, conservation, and wise stewardship of the nation's public lands.

### **1.1 Background and Purpose and Need**

NACO acknowledges the BLM's efforts to achieve the administration's renewable energy goals while also balancing environmental and socio-economic impacts, and the federal mandate to maintain multiple use of our nation's public lands. We are also aware of the data around anthropogenic forcing of climate change via greenhouse gas emissions over the industrial era. However, we would also urge the BLM to proceed cautiously and conservatively in making lands available for utility scale solar development. We are concerned by narratives in the public discourse that overstate the ability of intermittent energy sources like photovoltaics to completely replace existing energy generation. We also think it is important for the BLM (and the federal administration writ large) to acknowledge the complexity surrounding discussions on

climate change - recognizing that alarmist narratives and terms like “crisis” tend to oversimplify and dramatize the findings of climate science. There is wide variability among the climate models, and it is crucial to understand and reflect to the public the limitations of our current scientific tools in modeling a complex and interdependent climate system which often operates on long-term trends that exceed our measurement capacities. There is a growing body of scientists, including several who have had key roles in developing the climate models used by the Intergovernmental Panel on Climate Change (IPCC), who are highlighting the uncertainties in climate science and the dangers associated with overstating what climate change data indicates or our confidence in the ultimate causes of change.<sup>1</sup> It is essential to recognize the multitude of climate change variables climate models which are marked with “low confidence,” in the IPCC’s own Assessment Reports - a fact that is often overlooked. These uncertainties underscore the need for a more cautious approach, especially considering the potential impacts of a too hastily implemented transition to intermittent energy sources. In other words, we are concerned the remedies to greenhouse gas emissions in the form of rushed, highly subsidized, and broadly open utility-scale solar development may be worse than the climate change problem it seeks to address. The uncertainty in the climate models warrants a more cautious and careful cost-benefit analysis related to attempting large scale shifts to intermittent generation “renewables” than is currently underway in this PEIS effort, or in the multitudes of other land use and policy making spheres.

We ask that the BLM more carefully consider the assumptions and omissions behind the Department of Energy (DOE) forecasts that inform much of this PEIS Purpose and Need, and the Reasonably Foreseeable Development Scenarios. The ability to transition all, or even a large percentage, of the electrical grid to intermittent generation sources, while still maintaining grid reliability and energy affordability, is still largely an unproven concept. It is, in our view, an overly ambitious goal based off current technological and economic realities. With these climate change uncertainties and intermittent generation’s technological limitations in mind, we feel that it would be wise for the BLM to constrain utility scale solar development on public lands, as well as the application / speculation around it, to only those areas that are very best suited for such development. There is a danger that in making millions of acres available for utility scale solar Right of Way (ROW) applications (while simultaneously further subsidizing the industry via the recent “Renewable Energy Rule” which proposed dramatic cuts to ROW lease fees for utility scale solar development), the BLM will be helping to facilitate misguided and market distorting land rushes and speculative bubbles in the renewable energy space, in addition to creating added and unnecessary burdens of application processing and environmental impact assessments that federal, state, and local government agencies will face on a project-by-project basis. Furthermore, by not narrowing the land available for utility scale solar ROW applications at the programmatic level, the BLM increases the probability that sensitive, threatened, and endangered species and overall landscape health will be negatively impacted by faulty decisions at the project level as well as via cumulative impacts.

### **1.1.2 BLM’s Decisions to be Made Under the Land Use Planning Process**

It is also a long-standing position of NACO that land use planning is best done at the local level and that BLM has statutory and regulatory obligations to conduct land use planning efforts out of state or district offices. We continue to insist that this 11 state RMPA effort being led out of BLM headquarters runs contrary to precedence set by congress in its decision to strike down Planning 2.0 in 2017. The PEIS / RMPA violates BLM planning regulations because it is being developed and approved by National Headquarters, independent of the BLM’s State and District administrative authorities and boundaries, and in excess of allowable or practicable geographic scope. We do not believe that the 11 BLM State Directors have been consulted and all agree to the scope of this planning area. We also do not believe that this

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<sup>1</sup> [The scientific challenge of understanding and estimating climate change, T. Palmer and B. Stevens, PNAS \(2019\)](#); Unsettled, S. Koonin, 2021; et. al.

consolidated effort is prudent or adequate in addressing the widely varied ecosystems, economies, land use characteristics, and multiplicity of other factors across the planning area.

43 CFR § 1601.0-4 clearly states that BLM land use plans, plan revisions, and plan amendments, as well as supporting NEPA review, will be prepared at the Field Office level - § 1601.0-4 Responsibilities:

(a) National level policy and procedure guidance for planning shall be provided by the Secretary and the Director.

(b) State Directors will provide quality control and supervisory review, including plan approval, for plans and related environmental impact statements and provide additional guidance, as necessary, for use by Field Managers. State Directors will file draft and final environmental impact statements associated with resource management plans and amendments.

(c) Field Managers will prepare resource management plans, amendments, revisions and related environmental impact statements. State Directors must approve these documents. 43 CFR § 1601.0-4 Further, the BLM's planning regulations stipulate that: "A resource management plan shall be prepared and maintained on a resource or field office area basis, unless the State Director authorizes a more appropriate area." 43 CFR § 1610.1(b)

The BLM's planning regulations provide no alternative to the above allocation of planning responsibilities and authorities; the regulations are clear that planning is a locally driven BLM process overseen by the State Director. While the State Director has the authority to expand the planning area beyond the administrative boundary of a single Field Office, the fact that land use plans will be prepared by Field Managers clearly indicates that regional planning efforts are constrained geographically and are under a State Director's authority. The role of BLM's national Headquarters (HQ) in planning is restricted to developing national level planning policy and guidance; under the regulations, BLM's HQ does not prepare or approve land use plans or accompanying NEPA documents.

Regardless of these planning regulation requirements, the Utility-Scale Solar Energy Development PEIS / RMPA's "lead office," according to the eplanning website, is "HQ-300;" Field Manager(s) are not preparing the RMPA and accompanying PEIS as required. Moreover, the State Directors of the 11 states composing the planning area are not providing supervisory review and do not have approval authority over the PEIS / RMPA. This violates the BLM's planning regulations, referenced above. In short, because the BLM's central HQ is both preparing and will approve the plan amendment and accompanying NEPA analysis, BLM's HQ has exceeded its authority under the planning regulations and usurped land use planning from local and state BLM discretion.

In 2016, the BLM sought to circumvent local administrative and geographic focus in a similar way through its "Planning 2.0" rulemaking effort to amend the planning regulations. The BLM specifically sought to change the responsibilities for preparing plans and attendant NEPA analysis as explained in its preamble to Planning 2.0 in the Federal Register:

*Responsibilities and Plan Boundaries*

"The proposed rule would explain the responsibilities for preparing or amending a resource management plan to acknowledge that planning areas may extend beyond traditional BLM administrative boundaries such as Field Offices or States. References to the "Field Manager" would be replaced with the "responsible official," as the BLM official responsible for preparing and amending a resource management plan. References to the "State Director" would be replaced with the "deciding official," as the BLM official responsible for supervisory review, including plan approval."

The proposed rule would have made the BLM Director responsible for determining the deciding official and the planning area for resource management plans and for plan amendments that cross State boundaries. For plan amendments that do not cross State boundaries, the deciding official would be responsible for

determining the planning area.” ( 81 Fed Reg. 9675) Through these regulatory changes the BLM sought to de-localize the land use planning process and authorizing personnel, while significantly expanding the geographic size of a planning area far beyond the administrative boundaries of Field Offices, Districts, and States. Planning areas under the revised Planning 2.0 regulations could be massive, impracticably large multi-state regions (like the 11-state planning area in the current PEIS / RMPA), which are not legally permissible under 43 CFR § 1601.0-4.

On January 30th, 2017, Congress struck down Planning 2.0 under an exercise of the Congressional Regulatory Act (5 U.S.C. §§801- 808). Congress’s action under the CRA nullified the BLM’s Planning 2.0 rule and its shift to a centralized planning authority (national HQ) as well as its authorization of unbounded planning areas. Under the Joint Resolution, Congress also forbade the BLM to issue “a new rule that is substantially the same” as Planning 2.0, “unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.” 5 U.S.C. § 801(b)(2).

The 11-state Westwide Solar PEIS /RMPA, developed by and approved by National HQ, therefore violates FLPMA (43 U.S.C. §§ 1701-1785), 43 CFR § 1601.0-4, 43 CFR § 1610.1(b) and Joint Resolution, Pub. L. No. 115-12 (2017). It therefore also violates the BLM’s planning criteria:

“The BLM will prepare RMP amendments in compliance with FLPMA, the Endangered Species Act, NEPA, the National Historic Preservation Act, and all other applicable laws, regulations, Executive Orders, and BLM policies.” PEIS p. 1-9, 27-29.

The BLM should prepare land use plans and plan amendments consistent with BLM’s planning regulations at 43 CFR Section 1601.0-4 at the Field Office level with oversight and final plan approval provided by the State Director.

### **1.1.5 BLM’s Requirements for Further Environmental Analysis**

The PEIS rightly states that this effort “will not alleviate the need for project-specific analyses for solar energy development at the local level” and acknowledges that programmatic-level identification of the lands available and unavailable for solar energy development is an important step to minimize issues with critical resources and minimize time and costs associated with evaluating proposals in unsuitable areas. However, the stated preferred alternative and the range of alternatives considered in this PEIS do not go on to achieve those stated objectives of minimizing time and costs associated with evaluating unnecessary and unsuitable proposals. We reiterate that the National Renewable Energy Lab’s Solar Futures study estimated a need for 700,000 acres of public land for a very ambitious and technologically questionable level of uptake for utility scale solar development (i.e. this represents the maximum amount of land needed for solar development, in our opinion). The BLM’s most restrictive Alternative (Alternative 5) makes 8,359,715 acres available for application, and the stated preferred alternative makes 22,227,475 acres available for application. The BLM is therefore far from achieving the efficiency, cost saving, and conflict minimization goals of this programmatic effort. The Draft PEIS leaves far too much need for further environmental analysis on the table and portends a significant future burden to federal, state, and local governments and agencies to analyze projects on a case-by-case basis. We respectfully request that BLM give additional consideration to the Western Alliance Smart from the Start Alternative (SftS Alternative) as an Alternative 5(a). As NACO outlined before, we believe that alternative offers a balanced approach, adds important definitions and clarification to “disturbed lands” and provides for critical, conflict reducing buffers zones for utility scale solar development. Our proposed SftS alternative will provide ample lands available for solar development, allow for environmental remediation of previously disturbed lands, and will support and enhance the BLM’s mission of multiple use on federal lands.

### **1.1.6 Consistency with Local Land Use Plans**

We appreciate the BLM's acknowledgement of its Federal Land Management Policy Act (FLPMA) obligations to maintain consistency with state and local land use plans to the maximum extent practicable. However, it is our assertion as stated above, that this would best be accomplished via state office led RMPA efforts, as opposed to this HQ led exercise. Our members feel that their role as cooperating agencies was undermined by such a large and diffuse land use planning effort. Land use plans, interests, and areas of concern vary dramatically across the 11-state planning area, and it is profoundly unwieldy to say the least, to attempt to coordinate meaningful and reciprocal cooperating agency engagement with so many stakeholders at once from a headquarters' perspective that is far removed from on-the-ground situations in each of the affected states and localities.

## **2 Description of Alternatives and Reasonably Foreseeable Development Scenario**

### **2.1 BLM's Alternatives**

We do not believe that a "reasonable range" of Action Alternatives has been achieved in this Draft PEIS/RMPA. NACO is supportive of the Western Alliance Smart from the Start Alternative as presented during the administrative drafting process and does not agree that this alternative is substantially similar or fully encapsulated in the alternatives the BLM has put forward in this Draft PEIS/RMPA. We highlight the differences and the reasonableness of this alternative in subsequent sections.

We support the elimination of the Western Solar Plan's variance process and removal of the land use allocations for variance lands. The variance process has been problematic and unwieldy since the implementation of the 2012 Western Solar Plan and eliminating it will advance the goals of improved efficiency and clarity for utility scale solar environmental impact assessment and permitting.

#### **2.1.1.3 Alternative 3: Transmission Proximity (Preferred Alternative)**

We support the proximity requirement for solar ROW applications and the exclusion of utility-scale solar applications more than 10 miles from existing or planned transmission lines. We agree that this will help to both minimize environmental impacts and infrastructure sprawl across public land, as well as help to ensure that utility rate payers are not negatively impacted by excessive gen-tie costs for new power generation distant from transmission. However, we do not feel this alternative adequately limits utility-scale solar development in order to prevent undue land use conflicts, negative impacts to sensitive environmental resources and habitats, or the future administrative burdens of federal, state, tribal, and local governments in analyzing and processing applications. Alternative 3 leaves far more acreage available for application than is necessary and unduly forgoes the type of programmatic decision making that should be done at this stage to steer wise solar investment and roll out.

#### **2.2.1.4 Alternative 4: Previously Disturbed Lands**

We support constraining utility-scale solar energy application to previously disturbed lands. However, we assert that the definition and means of determining disturbance as articulated in Alternative 4 are inadequate. The utilization of the USGS Landscape Intactness Model and the presence of greater than 40% annual invasives are acceptable starting metrics to define disturbance, however BLM should also consult state and transition models to determine if restoration pathways may be available for those disturbed lands and exclude lands that do have restoration pathways. The 11 million acres that BLM's Alternative 4 makes available for application still far exceeds the needed land area and presents the same problems of project-by-project application and analysis overburden that is inherent in Alternative 3.

#### **2.2.1.4 Alternative 5: Previously Disturbed Lands and Transmission Proximity**

Of the alternatives considered by the BLM in this Draft PEIS/RMPA, Alternative 5 is by far the best and closest to what NACO could support. However, by making a total of 8 million acres across the planning acres available for solar application and speculation, it still radically exceeds any reasonably feasible development scenario. Alternative 5 also passes on a significant and unnecessary application processing and further environmental analysis burden. Furthermore this, and all the other alternatives considered, leave open the potential for significant negative impacts to core and growth sagebrush areas, agricultural lands and production, habitat connectivity and migration corridors, residential developments, source water protection zones, and lands identified for disposal. In Nevada, the BLM manages 67% of the total land area, and many of our communities are severely constrained to find available land for development of things like affordable housing and community infrastructure build out. Additionally, Nevada is home to several sensitive, and threatened sage brush obligate species who will inevitably be impacted by further anthropogenic disturbances which have cascading ecosystem effects, particularly when they are at the enormous footprint scale of utility scale solar development. A large majority of the seventeen counties in Nevada are rural or suburban with economies heavily dependent on agriculture, natural resources, and public lands. Leaving an excessive amount of public land open to solar energy application and development will disproportionately affect these rural Nevada communities, county governments and the residents they serve. We strongly encourage the BLM to do more to curtail speculation and to put forward a truly “smart from the start” renewable energy rollout.

We reiterate our request to please either add an additional alternative that further narrows the scope of land available to more closely reflect what is actually needed for utility scale solar development (e.g. the Western Smart from the Start Alternative) or amend Alternative 5 so that it protects the important resources mentioned in the preceding paragraph and follow that by making it the BLM preferred alternative.

#### **2.2 Reasonably Foreseeable Development Scenario (RFDS)**

As stated previously we contest many of the assumptions, omissions, and forecasts in the Department of Energy’s Solar Futures study regarding the necessity, technological capacity, and technological competitiveness of utility-scale solar development. The BLM rightly concedes in Appendix C that “estimating the level of future utility-scale solar energy development in the 11-state planning area during the 20-year planning period involves significant uncertainty”. We assert then, that the best and wisest approach to dealing with this inherent uncertainty is to make only the most ideal, previously disturbed, and low-conflict lands available for solar application within this PEIS/RMPA effort at this time. As ROWs are granted and those lands which are already in poor conditions close to transmission are developed for solar, and as the solar technology proves itself at ever increasing scales over longer time periods, then and only then, should the BLM consider making larger acreages of land available.

It is worth noting that several other clean energy generation technologies are currently being developed that may supplant the need for extensive utility scale solar; these include advancing technology in hydrogen, and biomass just to name a few. These sources would require a significantly smaller footprint and, given that intact landscapes are not a “renewable resource”, they would be better suited to our collective sustainability goals.

We also request a correction or clarification to Table 2.2-1 Reasonably Foreseeable Development Scenario which provides an estimate of only 48,119 acres of solar development in Nevada where we have among the highest solar irradiation, the largest BLM administered land area, and closest proximity to the largest populations centers of any state in the planning area. That Washington, Oregon, and Idaho all show greater acreages developed for solar does not at all seem “reasonably foreseeable.” Please correct this data or

explain how it was derived. We already have active proposals for utility scale solar generation that exceed this “reasonably foreseeable” 2045 forecast. Based on current trends and the BLM Alternative 3,4, and 5 that make acreages ranging from 6.98 million to 1.58 million available for solar development we estimate that the reasonably foreseeable development table estimate for Nevada could easily be off by an order of magnitude or more.

### **Appendix B.1.3 – B.1.4 Operations and Maintenance – Decommissioning/Reclamation**

We request that the BLM add a programmatic requirement for all utility-scale solar development to be responsible for their own waste stream. Modern solar panels have an average lifespan of 25-30 years, and ongoing technological advances may make the efficiency of panels obsolete in a shorter time frame. Lithium-ion batteries currently used to store intermittent utility scale energy typically have a lifespan between 10-15 years. By incentivizing a large-scale transition to photovoltaic energy production through this PEIS and a multiplicity over other incentive and subsidies, the federal government is facilitating a significant increase in hazardous and non-renewable electronic waste. The burden of this waste stream cannot, and rightfully should not, be borne by local governments or community landfills. The BLM should make it an explicit part of its permitting and bonding protocols for utility-scale solar that the developer or manufacturer is responsible for handling, disposing, or recycling of all utility-scale solar components. Most of the rural county landfills in Nevada do not have the capacity to properly handle this waste stream, and many have ordinances prohibiting the disposal of electric waste or batteries in their facilities. A truly renewable shift in energy production would include more explicit and closed loop end-of-life requirements for what will quickly become a very significant electronic, heavy metal, and hazardous waste stream.

In summation, our first request would be that the BLM abandon this headquarters led land use planning effort, as it is contrary to statute and BLM’s own regulations. The utility scale solar programmatic environmental impact analysis and resource management plan amendment processes should be conducted out of the BLM state and district offices, and the work conducted thus far could easily be handed off to the state offices to complete their own respective utility-scale solar PEIS/RMPA with their affected stakeholders. If the BLM insists on continuing to pursue this effort out of headquarters, we request that a preferred alternative be selected that limits the lands available for application more thoroughly than does Alternative 5 – ensuring that solar applications and development is only pursued for lands that was carefully defined by stakeholders and cooperators in the Western Alliance Smart from the Start Alternative. The BLM and cooperating agencies have expended tremendous time and energy on this PEIS/RMPA effort and in developing an alternative that provides a workable path forward for utility scale solar development – it would be a tremendous waste to complete this effort with an alternative that allows rampant speculation and ROW application, requiring the same work be done again and again at a project-by-project level. Finally, the BLM needs to give more thought to, and explicit requirements for, the end-of-life handling of utility-scale solar components.

We thank you for the opportunity to provide input on this Draft PEIS/RMPA, and we hope that you will give our comments careful consideration.

Respectfully,

Vinson Guthreau  
Executive Director