

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Southern Nevada District
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130

DECISION RECORD

Townsite Data Center

Determination of NEPA Adequacy (DNA)

DOI-BLM-NV-S010-2026-0080-DNA
based on
DOI-BLM-NV-S010-2023-0016-EA
Environmental Assessment – Townsite Solar 2 Project

June 2026

I. DECISION

I have decided to approve the application from Townsite Solar 2 LLC (Applicant), wherein the Applicant seeks an amendment to their existing BLM ROW grant NVN-99875. The original grant authorizes the Applicant to construct, operate, maintain, and decommission a 19 MW solar project plus a 35 MW Battery Storage System (BESS). Now, the Applicant is requesting authorization in their new proposal to construct, own, operate, maintain, and eventually decommission a data center on 81 acres of the original grant's 85-acre ROW area, with an additional 4 acres to be used for an 80 × 2,000-foot linear facilities segment (Project / new proposed action). The original proposal for the solar project and BESS was not constructed. The new proposed action will be located within the same footprint as the original grant.

Details regarding the design, components, and construction methods of the new proposed data center are provided in the Applicant's plan of development (POD – dated May 2026).

Details regarding the BLM's evaluation of the existing NEPA document's adequacy in analyzing the new proposed action are provided in DNA documentation DOI-BLM-NV-S010-2026-0080-DNA. That evaluation forms the basis for my rationale in approving the Applicant's request (Section III).

A. Mitigation Measures

- The Applicant-Committed Environmental Protection Measures – originally identified in Appendix C of the existing NEPA document (Environmental Assessment for the Townsite Solar 2 Project) and subsequently adjusted in Section 6.4 of the Applicant's POD (May 2026) – shall remain in effect for the new proposed action (to the extent that they are applicable) and shall be incorporated into the terms, conditions, and stipulations of the BLM ROW grant.

- The BLM SNDO Standard Stipulations – originally identified in Appendix D of the existing NEPA document and updated from time to time by SNDO – shall remain in effect for the new proposed action (to the extent that they are applicable) and shall be incorporated into the terms, conditions, and stipulations of the BLM ROW grant.
- The project-specific mitigation measures – originally identified on a resource-by-resource basis throughout Section 3 of the existing NEPA document – shall remain in effect for the new proposed action (to the extent that they are applicable) and shall be incorporated into the terms, conditions, and stipulations of the BLM ROW grant.

II. COMPLIANCE AND CONFORMANCE

The new proposed action is in conformance with the 1998 Las Vegas RMP. Specifically, it conforms with the following objective pertaining to right-of-way management.

Las Vegas Resource Management Plan Objective RW-1 (Rights-of-Way Management) - Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings, communications, flood control, major utility transmission lines, and related facilities.

(Las Vegas RMP, p. 19)

Data centers like the one in the new proposed action are a key component of modern-day cloud-computing infrastructure that are essential to the well-organized management and rapid access of information/data used by the whole of American society.

III. RATIONALE FOR DECISION

Consistent with BLM policy, my determination that the existing environmental document (2023 Environmental Assessment of the Townsite Solar 2 Project) provides adequate analysis for the new proposed action is based on the following considerations:

1. The new proposed action is substantially the same as the original proposed action analyzed in the existing environmental document.
2. The new proposed action is within the same analysis area as that which was analyzed in the existing environmental document.
3. The range of alternatives analyzed in the existing environmental document is appropriate with respect to the new proposed action, given current environmental concerns and resource values.
4. The existing analysis is valid considering new information or circumstances relevant to the new proposed action.
5. The environmental effects that would result from implementation of the new proposed action are similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document.
6. The public involvement and interagency review associated with the existing environmental document is adequate for the new proposed action.

7. The new proposed action is in conformance with the applicable BLM land use plan (1998 Las Vegas Resource Management Plan).

IV. RIGHT OF PROTEST AND/OR APPEAL:

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days of the decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, 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 IBLA and the appropriate office of the Solicitor (see 43 CFR 4.407) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof in demonstrating that a stay should be granted.

Standards for obtaining a stay

Except as otherwise provided by law, an appellant seeking a stay must demonstrate that issuance of a stay is warranted based upon the following criteria:

1. Immediate and irreparable harm. The likelihood of immediate and irreparable harm if the stay is not granted;
2. Balance of harms. Whether the harm to the appellant absent a stay exceeds the harm to the United States or other parties from a stay being granted;
3. Likelihood of success. The likelihood of the appellant's success on the merits; and
4. Public interest. Whether the public interest favors granting the stay.

V. APPROVAL

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Date: 2026.06.26 11:25:36 -07'00'

Bruce L. Sillitoe
Las Vegas Field Office Manager

Date

ATTACHMENTS:

- Applicant-Committed Environmental Protection Measures
- BLM SNDO Standard Stipulations
- Project-Specific Mitigation Measures
- Form 1842-001 (July 2025) – Information on Appealing to the Interior Board of Land Appeals
- Determination of NEPA Adequacy for Townsite Data Center (DOI-BLM-NV-S010-2026-0080-DNA)

Applicant-Committed Environmental Protection Measures

As expressed in the Applicant's Plan of Development dated May 2026, the Applicant has committed to the following Environmental Protection Measures:

Air Quality / Water Use

Water will be applied to the ground during the construction and use of the Project Area, roads, and other disturbed areas as necessary to control dust.

A Dust Control Operating Permit will be obtained from Clark County Department of Environment and Sustainability, Division of Air Quality prior to construction, and requisite dust control measures and BMPs will be implemented during the construction of the Proposed Project.

During operations, air quality in and around Boulder City area will not be impacted by the data center. While proposed data center will have back-up generators fueled by biodiesel, they will only be used during testing and system emergencies. The back-up generators will be operated in accordance with local, state and federal air quality requirements

The facility will use cooling towers that move warm air upward several hundred feet above the buildings and directs heat away from ground level. The nearest residence is 400 feet above the site and approximately 3 miles away. The projected wind-adjusted temperature increase is approximately 0.04°C under normal operating conditions, well below the average human perception threshold for temperature change of 0.92°C. It is a one-time steady increase that does not accumulate over time.

Appropriate water erosion and dust control measures will be implemented to prevent an increased dust and sediment load to ephemeral washes around the construction site and to comply with Clark County dust control requirements. Dust during construction will be controlled and minimized by applying water and/or BLM-approved palliatives.

The proposed data center would use an advanced closed-loop air-cooled (dry) cooling system with direct-to-chip liquid cooling and dry cooling towers to eliminate excessive water use and protect Southern Nevada water resources. Up to 400,000 gallons of a purified water/propylene glycol mix for a one-time initial fill of the closed-loop cooling system. The purified water/propylene mix will be purchased from a vendor of that product. Up to 2,000 gallons/yr. of the purified water/propylene glycol will be needed for periodic maintenance and will likewise be sourced from a vendor of that mixture. The cooling system will not be filled with any municipal water, as it is not appropriate for this type of cooling system. The initial fill of the cooling system and any topping up of the system must be with the purchased purified water/propylene mix. Any waste from the system associated with periodic maintenance will be trapped and properly disposed of offsite through contractors approved to handle and dispose of the material.

Potable Water Uses:

- Ongoing use of building restrooms and kitchen (1,000-2,000 gallons/day) for employees.
- The potable water will be stored in tanks on site or will be procured from Boulder City and transported to the site via a city owned pipeline.
- Approximately 90% of potable water used on site will be returned to the Boulder City wastewater treatment plan through a new sewer line constructed and paid for by the project.

Wastewater Usage:

- During construction, the Applicant will seek to purchase up to 500,000 gallons per day of wastewater for dust control from the City.
- This effluent is currently being discharged into the desert by City's wastewater treatment plant.

The Proposed Project will follow the BLM Guidelines and standards and all colors will be selected from the approved BLM color palette. The project will use a lighting design that focuses on safety and complies with all local regulations, including requirements to reduce light pollution in accordance with the Dark Skies Project. The Applicant will work with local authorities to develop landscaping and building colors that fit with the surrounding environment. The height of the building will comply with all City ordinances, and the building's lower elevation will reduce its visibility by residents. It is not anticipated that there will be any significant reflectivity of any major component of the Proposed Project.

The Applicant will employ BMPs to protect the soil surface by covering or binding soil particles. The Proposed Project will incorporate erosion control measures required by regulatory agency permits and contract documents, as well as other measures selected by the contractor. Project-specific BMPs will be designed by the contractor and included in the Project Stormwater Pollution Prevention Plan. BLM has allowed the use of several dust palliatives on other projects within the SND. If dust palliatives are used in place of water for the Proposed Project, the total amount of water needed during construction will be reduced. The Applicant may opt to use such palliatives, as authorized by the BLM for the Proposed Project. The soil binder/dust palliatives that are proposed for the Project, and that the BLM has previously allowed, are:

- Road Bond 1000
- For roads and heavy traffic areas: Soil Cement
- For non-traffic areas on finer soils: Formulated Soil Binder FSB 1000
- For non-traffic areas on sandier/rockier soils: Plas-Tex

The Project will conduct a noise study before the commencement of construction and. The Project will have no audible impact on local residents due to its location nearly 3 miles from and 400 feet below the nearest residence. Sound levels drop with distance, from 76 dBA 10 feet from the building inside the facility fence line (similar to a hair dryer or dishwasher), to 40 dBA at half a mile (similar to a quiet room or refrigerator), and approximately 7 dBA at the nearest home. If emergency generators were running, the sound level at approximately 3 miles would be 24 dBA, similar to rustling leaves. These impacts will be further reduced through acoustically-treated generator enclosures, strategic equipment placement, and compliance with local noise ordinances. The Applicant will ensure that noise levels will comply with all local, state and federal guidelines.

Cultural Resources

Cultural resources are defined as buildings, sites, structures, or objects, each of which has historical, architectural, archaeological, cultural, and/or scientific importance. Numerous laws, regulations, and statutes, on both the federal and state levels, seek to protect and target the management of cultural resources.

In consultation with the BLM and with SHPO concurrence, any areas that contain cultural resources of significance or whose eligibility for inclusion on the National Register of Historic Places (NRHP) is unevaluated, will be avoided, mitigated, or “treated” and recorded as appropriate.

Desert Tortoise

The Applicant will implement the minimization measures and compensatory mitigation requirements as required and outlined in the applicable Biological Opinion.

Fire Protection

All federal, state, and county laws, ordinances, rules, and regulations that pertain to prevention, pre-suppression, and suppression of fire will be strictly adhered to.

Reclamation

For temporary disturbance areas that require clearing and/or grading work, restoration and reclamation procedures will follow the Restoration Plan and will be based on site-specific requirements and techniques commonly employed at the time the area is to be reclaimed and/or based on the Restoration Plan and would include regrading, top soiling, and revegetating all disturbed areas.

After construction is complete, disturbed work areas will be graded to the approximate original contour, and the area will be revegetated with BLM-approved seed mixtures according to the Restoration Plan. Most postconstruction work will entail scarifying soils to reduce compaction and reseeding.

A Facility Decommissioning and Site Reclamation Plan will be prepared in accordance with BLM policy and objectives at the time and approved by the BLM, once the operational life of the Proposed Project has been reached.

Management Plans

- Dust Abatement Plan
- Facility Decommissioning and Site Reclamation Plan (at the conclusion of the life of the Project)
- Fire Management Plan

- Health and Safety Plan
- Integrated Weed Management Plan
- Lighting Management Plan
- Raven Management Plan
- Site Drainage Plan and Stormwater Pollution Prevention Plan
- Spill Prevention and Emergency Response Plan
- Traffic Management Plan
- Worker Environmental Awareness Plan (WEAP)

BLM SNDO Standard Stipulations

The following stipulations must be implemented unless they are not applicable to the Proposed Action. Those standard stipulations that include “if applicable, if used, or if constructed” are to be implemented if the Proposed Action includes that activity or design.

1. General Resource Stipulations

- 1.1. The Holder shall comply with all applicable local, state, and federal laws and regulations for the protection of resources and the environment, to include but not limited to air, cultural, hazmat, soil, vegetation, water, wildlife.
- 1.2. As part of project reclamation, the Holder will be responsible for ensuring that any boreholes, wells, or other openings in the ground are backfilled and properly covered, according to the Nevada Revised Statutes.
- 1.3. The Holder shall remove from public land and properly dispose of any and all trash, litter, debris, waste, excess materials, including flagging and signs, or other substances and materials resulting from the use under this authorization. All trash and food items shall be promptly contained within closed, raven-proof containers.
- 1.4. The Applicant will coordinate with underground utilities to ensure the locations of any underground utilities prior to beginning activities.

2. Threatened, Endangered or Candidate Animal Species

- 2.1. Compliance with the special stipulations below will help to ensure desert tortoises are not impacted:
 - 2.1.1. A speed limit of 25 miles per hour shall be required for all vehicles travelling on existing roads.
 - 2.1.2. Should a desert tortoise enter the area of activity, all activity shall cease until such time the animal leaves the area of its own accord.
- 2.2. All drivers must check underneath vehicles and equipment before moving to ensure no tortoise has taken cover underneath parked vehicles.
- 2.3. The Holder will comply with the terms and conditions of the applicable U.S. Fish and Wildlife Service Biological Opinion for this project (Programmatic Biological Opinion File No. 2022-0027339-S7-001, formerly File No. 08ENVS00-2019-F-0153). The Biological Opinion is on file at the Bureau of Land Management, Southern Nevada District Office. The terms and conditions are attached.
- 2.4. The Holder, upon completion of the Proposed Action, must submit Appendix G found in the terms and conditions of the Biological Opinion (attached). Please forward Appendix G to the BLM, Attn: Wildlife Biologist, 4701 N. Torrey Pines Drive, Las Vegas, Nevada, 89130. Failure to abide by the terms and conditions of the grant and Biological Opinion, could result in temporary suspension of all activities within your ROW area per 43 CFR 2807.16 and 43 CFR 2807.17.

3. Cultural Resources

- 3.1. If the proposed project is located in an area that may have a higher potential for subsurface archaeological remains, the BLM requires the proponent to provide archaeological monitoring of the geotechnical testing activities by an archaeologist with a geoarchaeological background. The materials and information from the geotechnical testing should be reviewed by the geoarchaeologist and a report produced that discusses the geological site formation processes observed across the project and any corresponding potential for the presence of subsurface archaeological materials.
- 3.2. Any cultural resources (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf on public or federal lands shall be immediately reported to the Authorized Officer. Holder shall immediately suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. The Holder will make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. In some cases, this may delay activity at the site until the discovery may be recovered, or the project is modified to avoid impacting the find.
- 3.3. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural values. Any decision regarding suitable mitigation measures will be made by the Authorized Officer after consulting with the Holder. The Holder will be responsible for the cost of evaluation. Holder shall be responsible for the resultant mitigation costs.

4. Paleontological Resources

- 4.1. The holder/permittee/assignee/proponent shall immediately notify the BLM Authorized Officer of any paleontological resources discovered as a result of operations under this authorization. The holder/permittee/assignee/proponent shall suspend all activities in the vicinity of such discovery until notified to proceed by the Authorized Officer and shall protect the discovery from damage or looting. The holder/permittee/assignee/proponent may not be required to suspend all operations if activities can be adjusted to avoid further impacts to a discovered locality or be continued elsewhere. The Authorized Officer would evaluate, or would have evaluated, such discoveries as soon as possible, but not later than ten (10) working days after being notified. Appropriate measures to mitigate adverse effects to significant paleontological resources would be determined by the Authorized Officer after consulting with the holder/permittee/assignee/proponent. Within ten (10) days, the holder/permittee/assignee/proponent would be allowed to continue construction through the site or would be given the choice of either (1) following the Authorized Officer's instructions for stabilizing the paleontological resource in place and avoiding further disturbance to the paleontological resource, or (2) following the Authorized Officer's instructions for mitigating impacts to the paleontological resource prior to continuing construction through the project area.

5. Hazardous Materials

- 5.1. If hazardous materials/substances are used or present within the authorized area, the Holder shall immediately notify the Authorized Officer of any release (leaks, spills, etc.) of hazardous substances, toxic substances, or hazardous waste. As required by law, Holder shall have responsibility for and shall take all action(s) necessary to respond to and fully remediate releases (leaks, spills, etc.) within the authorized area. A copy of any

report required or requested by any federal, state, or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state, or local government agency.

6. Survey Monuments

- 6.1. Prior to any ground disturbing activities, the Holder shall retain the services of a state licensed Professional Land Surveyor to locate their project boundaries in accordance with the grant. The Professional Land Surveyor shall produce a record of survey, record such survey in the appropriate county office(s), and have a copy of the survey sent to the Authorized Officer at the BLM.

At a minimum, the survey must: show the project boundary; show the survey of the lines of the PLSS (Public Land Survey System) defining the project boundary, including subdivision of section lines if appropriate; show the reestablishment of any lost PLSS corners used to define or control the project boundary (including reestablishment method and ties to utilized controlling corners); show the location and status of all PLSS corners found on or within the project boundary; show the perpetuation of any found PLSS corner evidence found on or within the project boundary; and meet any other survey requirements based on State, County, or local laws or regulations. This survey will be received by the BLM prior to the granting of the Notice to Proceed.

- 6.2. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference monuments, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any survey monument is disturbed during operations, the Holder shall secure the services of a state licensed Professional Land Surveyor or Bureau Cadastral Surveyor to perpetuate the disturbed monument(s) using surveying procedures found in the current Manual of Surveying Instructions: For the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau Cadastral Surveyors or other federal surveyors are used to restore the disturbed survey monument(s), the Holder shall be responsible for the survey cost.

7. Fire and Fuels Management

- 7.1. Compliance with fire restrictions is mandatory while fire restrictions are in effect (43 CFR 9212). Fire restrictions are generally enacted May through October. Fire restriction orders are available for review at BLM district offices and on the BLM website.
- 7.2. The use of standard fire prevention measures should be practiced at all times (43 CFR 2805.12). Conditions that support wildfires can occur any time of the year in Southern Nevada.
- 7.3. The Holder shall immediately report fires to 911 or (702) 631-2350 and make all accommodations to allow immediate safe entry of firefighting apparatus and personnel.
- 7.4. An Origin and Cause Investigation will be carried out on any human caused fire by BLM law enforcement or their designated representative. To minimize disturbance of potential

evidence located at the fire scene, the applicant/proponent shall properly handle and preserve evidence in coordination with the BLM. The BLM shall pursue cost recovery for all costs and damages incurred from human-caused fires on BLM lands when the responsible party(s) has been identified and evidence of legal liability or intent exists. Legal liability includes, but is not limited to, negligence and strict liability (including statutory and contractual liability), products liability, etc.

8. Vegetation

- 8.1. Restoration – for any habitat-disturbing activities (ground disturbance outside of maintenance in roads, permanently-disturbed areas, etc.):
 - 8.1.1. For temporary habitat disturbance, the holder/permittee/assignee/proponent is responsible for filling out BLM’s Restoration Plan Template, which describes how temporary disturbance will be restored, to BLM for approval prior to issuance of authorization of habitat-disturbing activities.
 - 8.1.2. For permanent habitat disturbance, the holder/permittee/assignee/proponent is responsible for developing a decommissioning plan, following BLM’s Restoration Plan Template, to be approved by BLM prior to issuance of authorization of habitat-disturbing activities, which describes how permanent disturbance will be restored.
 - 8.1.3. Disturbances will not be released from restoration requirements until the standards are met as described in BLM’s Restoration Plan Template. Limit disturbance as much as possible to reduce restoration timelines. Weed Management stipulations must be followed.
 - 8.1.4. Any use of seed or native plant materials will be approved by BLM in advance, and plant materials must originate from the appropriate Seed Transfer Zone and have appropriate seed tags, evidence of permits, and be weed free.
 - 8.1.5. If the _____ Project obtains approval from BLM via a FONSI and Decision Record, at that point, the Restoration and Decommissioning Plan(s) for the overall project will supersede these geotechnical-specific plans. The purpose of these plans is to provide a mechanism for restoration and decommissioning of the geotechnical impacts if the overall project is not approved.
- 8.2. Cacti, Yucca, and Succulent Species:
 - 8.2.1. For temporary habitat disturbance, cacti, yucca, or other succulent species that cannot be avoided must be salvaged by a BLM-approved contractor, stored appropriately during construction, and then planted back into the disturbed area in natural patterns and densities after construction. Survival standard is 80%. Coordinate with BLM.
 - 8.2.2. For permanent habitat disturbance, cacti, yucca, or other succulent species in permanent disturbance areas must be salvaged by a BLM-approved contractor and moved to a BLM storage facility; in some circumstances when there are too many plants to be used, BLM may issue a forestry permit for destruction of these species. Coordinate with BLM.

9. Non-Native and Invasive Species and Noxious Weeds

- 9.1. Weed Management Plan-- is required for any ground-disturbing activities greater than 1 acre:
 - 9.1.1. The holder/permittee/assignee/proponent is responsible for filling out BLM's Weed Management Plan Template, to be approved by BLM prior to issuance of authorization of initial habitat-disturbing activities, which describes how weed treatment will be conducted.
- 9.2. The holder/permittee/assignee/proponent is, for the lifetime of the responsibility for the disturbance or ROW, responsible for:
 - 9.2.1. Surveying for, and treating, all noxious weeds within the disturbed area during biologically appropriate times and before the noxious weeds have gone to seed.
 - 9.2.2. Surveying for, and treating, non-native weeds within the disturbed area during biologically appropriate times and before the non-native weeds have gone to seed. Non-native weeds that were common in the project area prior to disturbance must be kept at levels (cover and density) less than or equal to pre-disturbance. Non-native weeds that were not common or non-existent in the project area prior to disturbance must all be treated (this also applies to new introductions that spread off the disturbed area/ROW).
 - 9.2.3. Monitoring for, and reporting to BLM, non-native and noxious weeds occurrence, spread, and treatment (providing treatment data).
- 9.3. Any new detections of non-native or noxious weeds shall be reported to the SNDO Weed Management Specialist immediately (702-515-5000) to determine best course for treatment.
- 9.4. The use of pesticide treatment requires the holder/permittee/assignee/proponent to coordinate with the BLM SNDO weed management specialist (702-515-5000) and prepare, submit, obtain, and maintain a pesticide use proposal (PUP) to utilize pesticides for project activities. The proponent shall submit a new PUP 6 months prior to their current PUP's expiration date.
- 9.5. In order to reduce the accidental spread of non-native and noxious weeds, the holder/permittee/assignee/proponent and any contractors shall avoid or minimize all types of travel through a state listed noxious weed-infested areas that can be carried to the project area. In order to minimize the threat of spreading noxious weeds project-related equipment (i.e. undercarriages and wheel wells) should be cleaned of all mud, dirt, and plant parts before moving into relatively weed-free areas or out of relatively weed-infested areas. Project workers shall inspect, remove, and dispose of weed seed and plant parts found on their clothing and personal equipment, bag the product, and dispose of it in a dumpster. If you have questions, consult with the BLM SNDO noxious weed coordinator.
- 9.6. During construction and maintenance activities the holder/permittee/assignee/proponent shall:
 - 9.6.1. Review the annual weed inventory prior to any ground disturbance.
 - 9.6.2. Limit the size of any vegetation and/or ground disturbance to the absolute minimum necessary to perform the activity safely and as designed.

- 9.6.3. Begin activities in weed free areas whenever feasible before operating in weed-infested areas.
- 9.6.4. Locate equipment storage, machine and vehicle parking or any other area needed for the temporary placement of people, machinery and supplies in areas that are relatively weed-free.
- 9.6.5. Avoid or minimize all types of travel through weed-infested areas or restrict major activities to periods of time when the spread of seed or plant parts are least likely.
- 9.6.6. If landscaping is part of the project design, the Holder/permittee/assignee/proponent will ensure that landscaping does not contain non-native species or state-listed noxious weeds, such as fountaingrass (*Pennisetum setaceum*).

10. Mineral Resources

- 10.1. If construction activities produce excess mineral materials from within the boundaries of the Proposed Action, the mineral materials must be used within the boundaries of the Proposed Action or stockpiled within the boundaries of the Proposed Action for future disposal by the BLM.
- 10.2. If construction activities require that excess mineral materials be exported from within the boundaries of the Proposed Action as they are generated, then written authorization, a mineral material sales contract, a free-use permit, etc. must be obtained from the BLM by the Holder prior to exporting the excess mineral materials from within the boundaries of the Proposed Action.
- 10.3. If mineral materials are to be stockpiled on site for a future disposal, specific BLM use authorization in the form of a written authorization, mineral material sales contract, free-use permit, etc. must be obtained from the BLM prior to exporting the excess mineral materials from within the boundaries of the Proposed Action.

11. Migratory Birds

- 11.1. Projects that require ground disturbance or actions that could affect nesting birds, should try to be scheduled outside of the bird breeding season. Breeding season in the SNDO generally occurs from February 15 to August 31. If a project cannot be schedule outside of those dates, a qualified biologist may be required to conduct a survey for nesting birds. If nesting birds are found, methods to reduce project impacts to nesting birds will be developed in coordination with the BLM.
- 11.2. Any infrastructure for projects will be designed and constructed in a manner that does not allow open pipes that birds or other wildlife could be trapped in. This includes fencing, gates, or other materials with open holes. All open pipes will be capped or secured so that wildlife cannot access.
- 11.3. If lighting is installed on buildings or required by the FAA, lighting on buildings should be down-shielded and those structures/towers required by FAA to have lighting installed, should have flashing lights with the minimum intensity required by the FAA to prevent migratory bird collisions.

- 11.4. If project involves power lines and/or power line posts, the Holder shall follow Avian Power Line Interaction Committee (APLIC) guidelines (Suggested Practices for Avian Protection on Power Lines (2006) and Reducing Avian Collisions with Power Lines (2012)) to reduce this risk through facility design and comply with MBTA and other federal wildlife laws, due to potential for electrocution, collision, and nesting/perching by migratory birds on overhead power lines.
- 11.5. If guy wires are used on structures (including power line posts and communication towers) they must be marked with bird diverters, so they are visible to prevent injury/mortality to birds through collision.

12. Fish and Wildlife, Excluding Federally Listed Species

- 12.1. If artificial water sources are used, ensure that they have a properly installed and designed escape ramp to allow for wildlife to flee in the event of accidental entrapping.
- 12.2. Project supplies or equipment where wildlife could temporarily hide will be inspected prior to moving them to reduce the potential for injury to wildlife. Supplies and equipment that cannot be inspected, or from which wildlife cannot escape or be removed, will be covered or otherwise made secure from wildlife intrusion or entrapment at the end of each workday.
- 12.3. If any Gila monsters are encountered during project construction, they must be reported immediately to the Nevada Division of Wildlife at (702) 486-5127.

13. Wild Horse and Burro

- 13.1. If wild horses and/or burros are encountered in or near the authorized area do not feed, harass, or otherwise interact with the animal. Report sick or injured animals, or violations to animals to the BLM immediately.

14. Recreation

- 14.1. Unless expressly stated, a land use authorization does not create an exclusive right of use of an area by the holder. The holder shall not interfere with other valid uses of the federal land by other users, such as casual recreationists.

15. Topsoil

- 15.1. Clearly remove, segregate, and delineate from all other spoils, all available topsoil (approximately top 6-8") from constructed locations and surface disturbances including areas of cut and fill. Stockpile and clearly identify topsoils at the site for use in reclamation on all areas of temporary surface disturbance.
- 15.2. Any topsoil to be stockpiled for greater than one year would be spread in layers not to exceed two (2) feet maximum thickness and appropriately identified/signed as topsoil. These soil stockpiles would be seeded with a prescribed seed mixture or sterile cover crop (approved by the AO) and covered with mulch to reduce erosion and discourage weed invasion.
- 15.3. Construction control stakes shall be placed as necessary to ensure construction of the site, topsoil stockpile, spoil pile, and outer limits of the area to be disturbed in accordance with the specifications outlined in the POD. The Proponent shall assume

full responsibility for protecting all stakes and offsetting any additional stakes or grades which may be necessary.

- 15.4. Before proposed road construction activities begin, the topsoil must be bladed to the side of the road and stockpiled. The topsoil stockpile shall be contoured so as to prevent water ponding or flow concentration. Once the borrow ditch and the cut slopes are constructed, cleared vegetative material and topsoil that is windrowed shall be spread back onto the cut/fill slopes of the road, removing any windrows or berms remaining at the edge of the road.
- 15.5. If soils along the access road route are dry during road construction, use, and/or maintenance, fresh water shall be applied to the road surface to facilitate soil compaction and minimize soil loss as a result of wind erosion.

16. Hydrology

- 16.1. The Proponent should reconstruct the drainage channels to approximate the natural drainage features so that it can exhibit similar hydrologic characteristics found in the naturally functioning system.
- 16.2. All culverts shall be a minimum of 18 inches in diameter. Culverts shall have a minimum of 12" of fill or 1/2 the pipe diameter, whichever is greater, placed on top of the culvert, and shall be of length sufficient to allow at least 12" of culvert to extend beyond the toe of any slope. The inlet and outlet shall be set on grade. No rocks shall be used in the bed material and no rocks greater than 2" in diameter will be immediately adjacent to the culvert. The entire length of pipe shall be bedded on native material before backfilling, which shall be completed using unfrozen material and rocks no larger than two inches in diameter; compact the backfill evenly in 6" lifts on both sides of the culvert. A permanent marker shall be installed at both ends of the culvert to help prevent traffic from damaging the culvert. Additional culverts will be placed in the new access road as the need arises or as directed by the AO. Culverts shall be placed parallel with the channel (thalweg).
- 16.3. Silt fences will be installed after topsoil removal and before construction leveling begins and must remain in place until interim reclamation is complete and there is adequate vegetation present to stabilize the soil. Silt fences will be constructed in locations where surface erosion is evident or potential for surface erosion exists such as areas of steep slopes or highly erosive soils. Fences will be installed at the inside edge of disturbance.
- 16.4. Silt fences will be constructed using metal posts that are at least five (5) feet long with at least 2 feet in the ground (three (3) feet above ground) with eight (8) feet spacing if a wire re-enforcement backing is used or six (6) feet spacing if no wire backing is used. The fabric is to be toed into the ground at the base of the fence a minimum of eight (8) inches deep and an 18-inch overlap is required when splicing two fences together. The fabric is to be installed on the uphill side of the metal posts and attached to the posts at least every six (6) inches along the length of the post. Silt fences are to be inspected at least once a month or 48-hours after a rainstorm event. If holes in the fence or undercutting of the fence are found, repair is required within 48-hours of discovery.

When silt accumulates to a height equal to two-thirds the height of the fabric, the silt is to be cleaned out and deposited on the excess spoils pile.

- 16.5. All practicable measures would be utilized to minimize erosion and stabilize disturbed soils on or adjacent to the disturbed and reclaimed area. There would be no evidence of mass-wasting, head-cutting, large rills or gullies, down cutting or overall slope instability. Should the use or storage of hay, straw, or mulch be necessary, the Proponent is required to use certified weed-free hay, straw, and mulch on BLM lands.
- 16.6. Low water crossings shall be constructed perpendicular to the channel and at original channel elevation in a manner that will not block or restrict existing channel flow. Excavated material shall be stockpiled for use in reclamation of the crossings.
- 16.7. No construction and/or reclamation shall block or change the natural course of any drainage, nor shall topsoil, waste, or fill material be deposited below high-water lines in riparian areas, flood plains, or in natural drainage ways. The lower edge of soil or other material stockpiles will be located outside active floodplains. All spoils will be placed where they can be retrieved without creating additional surface disturbance and where they do not impede and/or contribute sediment to watershed and drainage flows. The Proponent shall also reconstruct and stabilize stream channels, drainages, and ephemeral draws to exhibit similar hydrologic characteristics that were found in stable, naturally occurring and functioning systems.
- 16.8. Drainage and run-on/runoff shall be diverted away from all new construction naturally or through the use of diversion ditches/berms and or soil berms or stockpiles. All drainage structures shall approximate topographic contour lines, have a grade no greater than 0.5 – 1.0 percent, and shall release water onto natural undisturbed ground without causing additional and/or accelerated erosion. Drainage structures shall not discharge directly into/onto natural drainages/channels, and/or use riprap or other armoring to protect from erosion (BLM Manual 9113). Water-bars, waddles, hay bales, and/or silt fences shall be used as needed to reduce surface runoff velocity and promote upland sediment deposition, thus reducing drainage/channel sedimentation and erosion.
- 16.9. Sediment fences, straw wattles, erosion mats, and/or hay bales shall be used to minimize erosion and sediment transport on disturbance area.
- 16.10. Exploratory drilling (e.g. geophysical, mining, monitoring, etc.): Drilling activities that may encounter groundwater or artesian flow will should be performed by a Licensed Nevada State driller knowledgeable in the necessary mitigation should artesian flow be encountered and plugged properly. Should artesian flow be encountered BLM AO shall be notified immediately of the situation and activities being performed to ensure the drill hole is properly sealed.

17. Discovery of Human Remains

- 17.1. Any human remains discovered by the Holder, or any person working on his behalf on public or federal lands shall be immediately reported to the Authorized Officer. Holder shall immediately suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. The Holder will make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. This may delay activity at the site in compliance of the Native American Graves Protection and Repatriation Act (NAGPRA).

Project-Specific Mitigation Measures

- **Air Quality:** The Project will obtain and adhere to the requirements of the Clark County Dust Control Operating Permit. Implementation of the Applicant-Committed Environmental Protection Measures will minimize the anticipated short-term, construction / decommissioning-related air quality impacts. The applicant will also obtain a stationary source permit for the backup generator(s) as needed prior to construction. Implementation of the following mitigation measure will mitigate the effects of fugitive dust: a designated dust control monitor will be on-site to ensure dust control measures are executed. No other mitigation measures have been identified.
- **Cultural Resources:** No mitigation measures are anticipated.
- **Socioeconomics:** No mitigation measures are anticipated.
- **Fish and Wildlife (excluding Federally Listed Species):** No species-specific mitigation measures are anticipated as potential impacts to general wildlife and special-status species will be avoided / minimized through the implementation of the Applicant-Committed Environmental Protection Measures and the BLM SNDO's standard stipulations. Access for all project activities, including geotechnical investigations, will occur using the alignment proposed for the permanent access road (within the linear facilities segment). No access for any project activity (including via overland travel) will be allowed outside of the Project Area analyzed within the EA without further National Environmental Policy Act (NEPA) compliance review.
- **Fuels and Fire Management:** Through the implementation of a Fire Management Plan and updated battery energy storage system (BESS) components, including an updated fire suppression design, new software, and hardware design features, as well as meeting National Fire Protection Association (NFPA) and Underwriters Laboratories certification requirements, the increased potential for fire risks associated with the proposed on-site BESS will be reduced. Therefore, no mitigation measures are proposed.
- **Meteorological Trends:** Implementation of the Applicant-Committed Environmental Protection Measures will minimize the anticipated short-term, construction / decommissioning-related impacts upon meteorological trends. No significant impacts are anticipated, and no additional mitigation measures are anticipated or proposed. Although the meteorological impacts disclosed in the analysis are irretrievable, the Project would not affect relevant emissions over the long-term (i.e., emissions would be impacted only until cessation of the activity).
- **Migratory Birds and Eagles:** No mitigation measures are anticipated.
- **Recreation / Travel / Wild and Scenic Rivers:** If the new proposed action impacts traffic during construction (and decommissioning activities), the Applicant will prepare and implement a Traffic Management Plan if required by the BLM. The Traffic Management Plan will minimize potential short-term traffic impacts.
- **Soils and Surface Hydrologic Conditions:** Implementation of a Site Drainage Plan and a Project-specific Stormwater Pollution Prevention Plan would minimize potential short- and-

long term soils impacts. Therefore, no mitigation measures related to soil or hydrologic connections are anticipated for the Proposed Action.

- **Special Designations:** No mitigation measures are anticipated.
- **Threatened, Endangered, or Candidate Animal Species:** To reduce impacts to the desert tortoise, construction minimization measures outlined in the U.S. Fish and Wildlife Service's project-specific Biological Opinion (BO No. 2022-0035189-S7-001) will be implemented, including the BLM's *Common Raven Management Plan for Energy Development within the BLM Southern Nevada District*. In accordance with the BO to further offset the adverse effects from the Project, the applicant will pay a desert tortoise remuneration fee of \$1,166 per acre to the BLM (subject to increase March 1, 2027), for a total of \$99,111 ([76-acre data facility + 5-acre switching station + 4-acre linear facilities] × \$1,166. This fee will be used to support desert tortoise recovery actions.

Vegetation (including Special-Status Plants, Cacti, and Invasive Plant Species and Noxious Weeds): The BLM's Forestry Program has a policy regarding the sale of vegetation resources, including cacti. The movement of cactus plants is governed by the Nevada Department of Conservation and Natural Resources, Division of Forestry, according to the Nevada Revised Statute 527. Cacti would be removed from the solar facility and linear facilities segment. The Applicant would obtain a permit from BLM for destruction of those species; alternatively, the BLM could offer the cactus plants for sale to the general public. Cacti within any temporary disturbance areas are required to be salvaged (transplanted in nurseries until they can be transplanted back out into the restoration area).

- **Visual Resources:** The following recommended BMP's identified by the BLM will lessen visual impacts:
 1. Locate and operate solar collectors to avoid off-site glare.
 2. Use non-reflective materials, finishes, surface treatments, or color-treated solar collectors and support structures.
 3. Maintain color-treated surfaces of solar collectors.
 4. Maintain and use natural vegetation barriers for mitigation of solar glare where possible.
 5. Maintain and preserve the existing vegetation within the siting area to the greatest extent possible to reduce the overall Project impact.
 6. If additional vegetation is used to enhance mitigation of Project components, it should be natural and native to the surrounding area to complement existing vegetation.
 7. Color treat structures to reduce contrasts with existing landscape.
 8. Color treat grouped structures using the same color.
 9. Maintain painted, treated, stained, or coated surfaces properly.
 10. Direct lights properly to eliminate light spill.
 11. Use timers or motion sensors on all building lighting to minimize unnecessary lighting.
 12. Minimize lighting usage during construction and operations.

Wastes (Hazardous or Solid): Implementation of Applicant-Committed Environmental Protection Measures and BLM SNDO standard stipulations will reduce potential impacts and will not result in environmental degradation cumulatively. As a result, no mitigation measures are anticipated.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON APPEALING TO THE INTERIOR BOARD OF LAND APPEALS
IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED. FAILURE TO
FOLLOW THEM MAY SUBJECT THE APPEAL TO SUMMARY AFFIRMANCE
(see 43 CFR 4.412(a)).

1. WHAT TO FILE	<i>Notice of Appeal:</i> You must file a notice that you wish to appeal. <i>Decision Being Appealed:</i> You must include a copy of the decision you are appealing. <i>Statement of Standing:</i> You must show that you are a party to the case who is adversely affected by the decision. <i>Statement of Timeliness:</i> You must include a statement and any corroborating documentation that provides the date when you received notice of the decision. <i>Petition for a Stay:</i> You may file a petition to stay the effect of the decision while the appeal is pending. You must show (1) the likelihood of immediate and irreparable harm if the stay is not granted, (2) the irreparable harm absent a stay exceeds the harm to the United States and other parties, if applicable, from a stay being granted, (3) whether the public interest favors granting the stay, and (4) you are likely to succeed on the merits. IMPORTANT: After April 4, 2025, appellants must use IBLA's electronic filing system, Bison File and Serve. To file your appeal, you must include the Notice of Appeal, Statement of Standing, Statement of Timeliness, and a Petition for a stay, if applicable. Each document must be separately filed.
2. WHEN TO FILE	You must file a Notice of Appeal no later than 30 days after the date of receiving notice of the decision. IMPORTANT: This appeal timeframe cannot be extended.
3. WHERE TO FILE	The documents listed in section 1 above must be filed with Interior Board of Land Appeals (the Board). <i>Electronic Filing:</i> Attorneys must file electronically; non-attorneys may file electronically and are strongly encouraged to do so. A link to the electronic filing system known as Bison File and Serve is located on the Board's website. <i>Non-Electronic Filing:</i> Any document filed by mail must be delivered to the Board at the address specified in the <i>Standing Order on Addresses and Contact Information</i>. The Board's mailing address is also provided at the end of this form. IMPORTANT: Filing documents by email is not permitted.

4. WHERE TO SEND COPIES (SERVICE)	You must provide copies, also known as service, of your Notice of Appeal and accompanying documents to certain entities at the same time you file them with the Board. You must provide copies of all documents listed in paragraph 1 to the following entities: BLM Office that issued the decision: Bureau of Land Management Las Vegas Field Office 4701 N. Torrey Pines Drive Las Vegas, NV 89130 Proper Office of the Solicitor: Regional Solicitor, Pacific Southwest Region United States Department of the Interior 2800 Cottage Way, Room E-1712 Sacramento, CA 95825 Name(s) of any person/entity named in the decision: See the enclosed Decision for any additional names and addresses IMPORTANT: Electronic filers must serve BLM and the Office of the Solicitor via the Board's electronic filing system. Any other person or entity listed above must be served outside the electronic filing system. Nonelectronic filers must consult the <i>Standing Order on Addresses and Contact Information</i>, located on the Board's website, for information about where to serve your copies on BLM and the Office of the Solicitor.
5. STATEMENT OF REASONS	If not already included in the Notice of Appeal, you must file a statement of reasons that sets forth, with specificity, all legal or factual errors you allege BLM made in the decision being appealed. Unless an extension is sought and received, you must file a statement of reasons no later than 30 days after BLM files the record with the Board.
6. PROCEDURAL REGULATIONS AND STANDING ORDERS	The procedural regulations governing your appeal are located at 43 C.F.R. Part 4, subpart E and are available on the Board's website. The standing orders governing your appeal are available on the Board's website. See also, the Board's Standing Order on Electronic Transmission at https://www.doi.gov/oha/oha-standing-orders.
7. THE BOARD'S WEBSITE	The Board's website is located at https://www.doi.gov/oha/about-interior-board-land-appeals.

43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows. BLM is allowing electronic service to each of the following states at the included email address:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska; BLM_AK_APPEALS@BLM.GOV
Arizona State Office ----- Arizona; BLM_AZ_APPEALS_OHA@BLM.GOV
California State Office ----- California; BLM_CA_Web_SO@BLM.GOV
Colorado State Office ----- Colorado; BLM_CO_APPEALS@BLM.GOV
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all States east of the Mississippi River; BLM_ES_APPEALS@BLM.GOV
Idaho State Office ----- Idaho; BLM_ID_LITSPEC@BLM.GOV
Montana State Office ----- Montana, North Dakota, and South Dakota; BLM_MT_OHA@BLM.GOV
Nevada State Office----- Nevada; BLM_NV_APPEALS@BLM.GOV
New Mexico State Office ----- New Mexico, Kansas, Oklahoma, and Texas; BLM_NM_LITIGATION@BLM.GOV
Oregon State Office ----- Oregon and Washington; BLM_OR_APPEALS@BLM.GOV
Utah State Office ----- Utah; BLM_UT_APPEALS@BLM.GOV
Wyoming State Office ----- Wyoming and Nebraska; BLM_WY_WY910_LITIGATION@BLM.GOV

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management

The Interior Board of Land Appeals mailing address is:
Interior Board of Land Appeals
Office of Hearings and Appeals
U.S. Department of the Interior
1849 C Street NW, MS 7530
Washington, DC 20240