



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

<https://www.blm.gov>



February 24, 2023

The Honorable Ira Pearson
County Manager
Lincoln County
300 Central Avenue
Carrizozo, NM 88301

Dear County Manager Pearson:

As you may be aware, the Bureau of Land Management (BLM) has initiated a process to prepare a programmatic environmental impact statement (EIS) and resource management plan amendments for updated utility-scale solar energy planning on Federal public lands. As the lead agency, the BLM would like to know your interest and eligibility to participate as a cooperating agency throughout this effort. Being a cooperating agency on this programmatic EIS provides you the opportunity for enhanced engagement with the BLM throughout our planning and environmental analysis process.

This programmatic EIS will be prepared pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, as amended, and the Council on Environmental Quality (CEQ) Regulations, 40 CFR Parts 1500-1508. Section 1501.8 of those regulations describes the general roles of a cooperating agency. Any Federal, Tribal, State, or local entities with jurisdiction by law or special expertise may, by agreement with the lead agency, become a cooperating agency. More information may be found about cooperating agency relationships in the BLM's guide, *A Desk Guide to Cooperating Agency Relationships*:

https://www.blm.gov/sites/blm.gov/files/Services_CADRCooperatingAgencyGuide.pdf.

On December 5, 2022, the BLM notified Tribes of the opportunity to engage in government-to-government consultation regarding this programmatic EIS and invited their participation as a consulting party under Section 106 of the National Historic Preservation Act (NHPA). Tribal participation as a cooperating agency in the NEPA process does not affect participation in government-to-government consultation or the NHPA Section 106 process.

The BLM anticipates this planning effort will update and build upon the 2012 Western Solar Plan Record of Decision (Western Solar Plan) that implemented solar energy policies, procedures, and land use plan amendments for solar energy permitting on public lands in the six Southwestern States of Arizona, California, Colorado, Nevada, New Mexico, and Utah. The Western Solar Plan and approved resource management plan amendments excluded certain public lands from utility-scale solar energy development and also allocated as solar energy zones those areas the BLM determined were suitable for utility-scale solar energy development. Additionally, the Western Solar Plan established a variance process by which the BLM would consider applications for utility-scale solar development proposals in variance areas (outside of solar energy zones and outside of excluded areas).

Within the programmatic EIS effort, the BLM is considering potential updates to the decisions and policies outlined in the 2012 Western Solar Plan, which may include:

- Expanding the planning area of the Western Solar Plan to include five additional states (Idaho, Montana, Oregon, Washington, and Wyoming);

- Making or revising allocations of public lands to solar energy zones, areas excluded from development, and variance areas;
- Revisiting the criteria used to exclude lands from solar development;
- Modifying the variance process for solar development applications;
- Revising the criteria for utility-scale solar development projects to be subject to the programmatic EIS and land use plan updates; and
- Creating new incentives for development in solar energy zones.

For more information on this programmatic review of the BLM's utility-scale solar energy planning, please see the Notice of Intent published in the *Federal Register* on December 8, 2022 (87 FR 75284).

The BLM initiated the formal public scoping process for the programmatic EIS on December 8, 2022, and the scoping period will continue through March 1, 2023. In-person public scoping meetings were held in each of the 11 contiguous western states with an additional in-person scoping meeting in Washington, DC. The BLM also held three virtual scoping meetings online. The presentations and transcripts for each of the scoping meetings and additional project information are located on the BLM's project website at <https://eplanning.blm.gov/eplanning-ui/project/2022371/510>.

If you are interested in being a cooperating agency on this programmatic EIS, the BLM requests you respond by email by March 10, 2023. Your response seeking to participate as a cooperating agency must include the following:

1. A description of how you have jurisdiction by law or special expertise under 40 CFR 1501.8;
2. A description of your desired level of involvement; and
3. The name and contact information of your representative that will be the primary contact for this project. To help support a streamlined and more cohesive cooperating agency process, we suggest that a single representative be established from within the appropriate division of your organization, to comprehensively coordinate all comments from organizational components and subdivisions.

Please send your response by email to: solar@blm.gov

To become a cooperating agency, you must enter a memorandum of understanding (MOU) with the BLM that describes respective roles, responsibilities, and timelines. Once the BLM considers your request to participate as a cooperating agency, an MOU will be sent for your review and signature. If you wish to engage in this effort but choose to forego cooperating agency status, you will still have opportunities to participate through the NEPA public review and comment process.

If you have any questions regarding cooperating agency status, or if you require any additional information, please contact Jayme M. Lopez, Interagency Coordination Liaison, National Renewable Energy Coordination Office, at j06lopez@blm.gov. Thank you for your interest in the NEPA process and in the management of your public lands. We look forward to working with you on this important effort.

Sincerely,



Benjamin E. Gruber
Acting Assistant Director
Energy, Minerals and Realty Management