

Renewable Energy Development and Transmission

Due to recent federal mandates¹ and State directives,² applications and permitting for solar, wind, and other renewable energy generation, storage, and transmission projects (collectively “renewable energy projects”) across Nevada’s public lands has significantly increased and is likely to continue expanding. The rush to develop renewable energy projects poses significant challenges to Humboldt County. While the strategic development of renewable energy sources is broadly beneficial to the national interest and may modestly diversify the local economy, the County is mindful that renewable energy infrastructure is unprecedented in scale and often involves the intensive industrialization of vast tracts of the public lands, resulting in loss of multiple uses and important wildlife habitat. Consequently, renewable energy projects can have significant negative impacts on human health, safety, and welfare, multiple uses, natural resource availability, and the environment. Through close coordination with federal agencies and project proponents, and through exercising its own permitting authority, Humboldt County will seek to ensure that renewable energy development within the County is protective of these interests and values.

Humboldt County’s abundant public lands and renewable energy resources have made it highly attractive to renewable energy developers (particularly in the vicinity of the North Valmy Generating Station, which is scheduled to transition from coal to natural gas and solar by 2025). While currently only two renewable energy generation facilities (the Blue Mountain Geothermal Power Plant and the Battle Mountain Solar Farm) are in operation in Humboldt County, numerous solar generation and storage projects, geothermal projects, and utility transmission tie-in lines are in various stages of application, permitting, and construction. A current map of renewable energy projects in Humboldt County can be found [here](#).

As Humboldt County adapts to a future in which renewable energy has an increasing footprint on the public lands, the County is committed to being actively involved in renewable project permitting. (See Chapter XX County Permitting and Environmental Regulation on Public Lands.) In the State of Nevada, counties are broadly authorized and empowered to establish processes for permitting renewable energy generation projects (defined in NRS 278.0173 as projects “involving an electric generating facility or system that uses renewable energy as its primary source of energy to generate electricity” where “renewable energy” includes without limitation biomass, fuel cells, geothermal energy, solar, waterpower, and wind) as well as for above-ground utility transmission projects (defined in NRS 278.26503 as “An electric transmission line which is designed to operate at 200 kilovolts or more; or a line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed”). Humboldt County expects early coordination by project proponents and federal agencies on the appropriate siting and design of renewable energy infrastructure.

Goals and Directives:

¹ The Energy Act of 2020 (43 U.S.C. § 3003), Executive Order 14008.

² Nevada Renewable Portfolio Standard (RPS).

Goals:

- ❖ Renewable energy projects within the County are consistent with the County Master Plan, minimally impact natural resources, multiple uses, and access, and employ best practices and current technologies.
- ❖ Proposed renewable energy projects within Humboldt County are authorized only following coordination with Humboldt County and subsequent issuance of applicable County permits and licenses.
- ❖ Solar and wind generation and storage projects within the County adhere to “Smart from the Start” criteria.³ Other renewable energy projects (e.g. geothermal) and utility transmission lines adhere to “Smart from the Start” criteria to the greatest extent practicable.
- ❖ Historic community customs, culture, core values, and quality of life are safeguarded from potential economic, social, and environmental impacts of renewable energy projects.
- ❖ Any state tax abatements approved for renewable energy projects do not exceed a project’s net economic benefit to the County.
- ❖ The Federal Energy Regulatory Commission (FERC) and / or the Public Utilities Commission of Nevada (PUCN) coordinate with Humboldt County on all applicable renewable energy project permitting.
- ❖ Renewable energy projects provide equitable revenue sharing to the County government.

Directives:

- ❖ Notify federal and state agencies of the County’s intent to coordinate on renewable energy projects, and the County’s expectation that developers meet with the County for a pre-application meeting to discuss local siting and permitting requirements.
 - ❖ Notify federal and state agencies of the County’s policy that solar and wind projects should follow “Smart from the Start” criteria, and that other renewable energy projects follow “Smart from the Start” criteria to the greatest extent practicable.
 - ❖ Engage with surrounding Counties (i.e. through the Nevada Association of Counties) and State governmental bodies (i.e. Nevada State Clearinghouse, State Land Use Planning Advisory Committee, and the Governor’s Office of Energy) on proposed and existing regional energy-related plans and projects. Help ensure policies and plans incorporate “Smart from the Start” criteria.
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- ❖ As applicable, review renewable energy projects for permits under Humboldt County Code sections 17.68, 17.69 and 17.70 to ensure the public health, safety, and welfare is safeguarded (see Chapter XX County Permitting and Environmental Regulation on Public Lands).
- ❖ For every renewable energy project, provide notice to the Director of the Nevada Office of Energy that the County Board of Commissioners intends to consider the project proponent's application for a tax abatement pursuant to NRS 701A.365(2). The County will recommend approval or denial of the application not later than 30 days after it receives a copy of the application. Consider requesting a presentation regarding the project pursuant to NRS 701A.360(4). As appropriate, file a notice of intent with the Office of Energy to attend the public hearing for a project pursuant to NAC 701A.585(1).
- ❖ In coordination with federal agencies, ensure that planning and development of corridors for energy transmission and distribution use co-location and are informed by "Smart from the Start" criteria.

Policies:

Coordination, Cooperation, and Consultation:

- ❖ Federal Land Use Planning and Management:
It is the policy of Humboldt County to coordinate with all relevant federal agencies on renewable energy project planning, permitting, authorization, and management actions. Humboldt County will coordinate with the BLM [consistent with 43 U.S.C § 1712(c)(9) and 43 CFR § 1601.0-5(c)] and with the U.S. Forest Service [consistent with 16 U.S.C. § 1604(a), 36 CFR § 219.4, and 36 CFR § 212.53] to seek maximum consistency between County plans and policies for renewable energy projects and federal agency planning and management decisions. Humboldt County expects that all requirements for intergovernmental coordination will be affirmatively met by federal agencies, consistent with governing law, policy, and the Winnemucca District Resource Management Plan. (See Section XX Framework, Coordination).
- ❖ NEPA:
Humboldt County expects early notification by federal agencies to participate in NEPA project teams as a cooperating or joint lead agency. Humboldt County shall participate as a cooperating or joint lead agency⁴ on all NEPA analyses for renewable energy plans or projects and expects that EISs shall include a consistency review with this and other relevant elements of the Humboldt County Master Plan pursuant to 40 CFR § 1502.16(a)(5) and 40 CFR § 1506.2(d). (See Section XX Framework, NEPA).
- ❖ Federal Renewable Energy Authorizations:

⁴ Pursuant to 40 CFR § 1501.7(b), 40 CFR § 1506.2(c), and 43 CFR § 46.220(b).

Humboldt County will avail itself of all opportunities offered under Secretarial Order 3285 “Renewable Energy Development by the Department of the Interior,” which requires coordination and collaboration with local governments in the siting and permitting of renewable energy generation and transmission facilities, including:

- “The Task Force on Energy and Climate Change shall [...] develop a strategy that is designed to increase the development and transmission of renewable energy from appropriate areas on public lands and the Outer Continental Shelf, including [...] working with individual states, tribes, local governments, and other interested stakeholders, including renewable generators and transmission and distribution utilities, to identify appropriate areas for generation and necessary transmission”;
 - “Program Assistant Secretaries...are responsible for...working collaboratively with other departments, state, and local authorities to coordinate and harmonize non-Federal permitting processes.” (Emphasis added.)
- ❖ Nevada Statute:
Humboldt County will participate in all cooperative intergovernmental programs on energy supply and markets consistent with State policy, which states: “[i]t is the policy of this State to encourage participation with all levels of government [...] in cooperative state, regional and national programs to assure adequate supplies of energy resources and markets for such energy resources.” NRS 701.010(2) (Emphasis added.)

Siting of Renewable Energy Projects:

- ❖ Renewable energy projects within Humboldt County should only be sited following coordination with the County. Coordinated federal, State, and County planning is necessary to ensure protection of public health, safety, and welfare and reduce duplication of permitting requirements. Coordination should initiate before the project scoping phase.
- ❖ Renewable energy projects should be sited, planned, and developed in a manner that:
 - Avoids or only minimally impacts access to public lands and existing multiple uses (including, but not limited to, recreation, mining, and grazing);
 - Does not negatively impact access to, use, or enjoyment of private property including but not limited to residences, water rights, and mining claims;
 - Does not negatively impact public drinking water sources, water availability, air quality, or create increased fire risk; or
 - Does not negatively impact important habitat or historical and cultural resources.

- ❖ Renewable energy projects should be designed, sited, constructed, operated, and decommissioned in a manner that protects and preserves viewsheds and natural resources that make the County attractive to residents and visitors.
- ❖ Solar and wind generation and storage projects within the County should adhere to “Smart from the Start” siting criteria as defined by the County—

Smart from the Start development requires (in addition to agency stipulated resource-based exclusions) that solar and wind generation and storage facilities be sited only on lands located within 10 miles of utility transmission lines that are *both* “disturbed” *and* “low conflict” such that—

- “Disturbed lands” are either:
 - Lands verified as having heavy anthropogenic disturbance (such as former mining sites or lands that have been identified as brownfields for redevelopment) or;
 - Lands verified as having >40% invasive annuals and on which the ESD and associated STM/DRG do not have a restoration pathway back to non-invasive vegetative communities.
- “Low conflict lands” are lands that:
 - Are neither in “core” nor “growth” sagebrush areas, and;
 - Are set back by at least a mile-wide buffer zone from agricultural uses, homes, source water protection areas, important wildlife habitat (e.g. PHMA and GHMA), and cultural or historical resources, and;
 - Do not include lands identified in the current RMP as suitable for disposal, and;
 - Do not include important habitat connectivity zones or migration corridors, and;
 - Either do not have valid preexisting rights, permitted uses, or public access routes, or, if these are present, impacts to them are minimized and mitigated, and;
 - Are identified through consultation with local government as being appropriate for utility scale renewable energy development.

“Smart from the Start” locations may include:

- Abandoned mining lands, abandoned mineral leases, and brownfields;
- Abandoned agricultural lands;
- Areas that have crossed an ecological threshold and are predominately occupied by noxious, invasive or non-desirable weed species such as cheatgrass on which the ESD and associated STM/DRG do not have a restoration pathway back to non-invasive vegetative communities;

- Areas where renewable energy projects can be co-located with other infrastructure, including mines, utility transmission lines, and substations.

The following areas do not meet County “Smart from the Start” criteria:

- Priority wildlife habitat, including:
 - Greater Sage-grouse habitat as defined by the State of Nevada
 - Priority mule deer habitat
 - Priority elk habitat
- Source water protection areas and related “areas of interest”
- Riparian areas
- Areas with preexisting rights and permits (absent proper mitigation)
- Wildland-Urban Interface (WUI) areas

The following specific geographical locations do not meet Smart from the Start criteria:

- Montana Mountains
- Pine Forest Range
- Santa Rosa Range
- Sonoma Range
- Snow Storm Mountains
- Trout Creek Mountains
- Humboldt River Corridor

County Permitting of Renewable Energy Structures:

- ❖ Renewable energy generation, storage, and transmission projects on the public lands will be subject to review and conditional use permitting as set forth in sections 17.69 and 17.70 of the Humboldt County Code, respectively, consistent with NRS 278.26503(1)&(2) (for above ground utility projects) and NRS 278.26503(3) (for renewable energy projects).
- ❖ Project proponents applying for state tax abatements shall provide the County with a copy of their application as provided for by NAC 701A.560(4). Pursuant to NRS 701A.365(2) and NAC 701A.575 the County will recommend approval or denial the application not later than 30 days after receipt. For projects receiving tax abatements, Humboldt County shall regularly review project performance to ensure all terms and conditions for tax abatements are upheld.
- ❖ Projects that the County determines will impact County-provided public safety, emergency, and other services (including temporary or long term housing) will require a Development Agreement between the County and the project proponent. Projects that plan to use County roads will require a Road Maintenance agreement between the County and the project proponent.

- ❖ Qualifying project proponents shall obtain a utility business license from the County pursuant to Humboldt County Code section 5.44.
- ❖ Conditional use permits and/or appropriate building permits will be required for qualifying structures serving renewable energy development projects.
- ❖ Improvements to infrastructure associated with any renewable energy generation, storage, or transmission project may be subject to County building and design standards.
- ❖ The County will review preliminary renewable energy project data to evaluate project and location feasibility. Applications for renewable energy projects that are speculative with a low probability of success are discouraged.
- ❖ County permitting of renewable energy projects will adhere to County permit maintenance timeframes. Permits for inactive projects will eventually be voided and proponents will be required to reapply. The County encourages State and federal authorities to observe similar requirements for permit maintenance.
- ❖ As applicable, reclamation, performance, and decommissioning bonding may be required for County permitting of renewable energy projects to ensure adherence to applicable resource protection and mitigation standards and ensure structure removal following the useful life of the project.
- ❖ Any renewable energy project will include a decommissioning plan that identifies where waste and decommissioned components will be disposed of. County landfills will not accept decommissioned waste from renewable energy projects without explicit County authorization.
- ❖ Consistent with the Humboldt County Code, Humboldt County shall require all conditions of permits for renewable energy projects to be upheld for the life of the permit. Permittees who fail to satisfy all terms and conditions risk revocation of their County permit. Additionally, federal regulations require any FLPMA ROW grantee, leasee, or permittee to:

“Comply with project-specific terms, conditions, and stipulations, including ... [w]hen the State standards are more stringent than Federal standards for public health and safety, environmental protection, and siting, constructing, operating, and maintaining any facilities and improvements on the right-of-way...”

43 CFR § 2805.12(a)(8)

Reducing Impacts to Natural Resources, Multiple Use, and County Infrastructure:

- ❖ As aging energy transmission lines and structures have become a significant cause of wildfire, all renewable energy infrastructure should be regularly inspected and updated as

necessary, and control of encroaching fine fuels and timber kept current. All renewable energy projects should have a noxious and invasive species management plan and a wildfire prevention and management plan approved by the County.

- ❖ If consistent with the County Master Plan, the County encourages consideration of biomass energy projects that complement hazardous fuels reduction, range and forest health, and wildlife habitat improvement.
- ❖ Surface and renewable water are extremely limited resources in Humboldt County. Projected water needs of renewable energy projects should not negatively impact existing water rights holders, source water protection areas, or wildlife habitat. Renewable energy projects should use construction, operation, and decommissioning practices that conserve water consumption.
- ❖ At all stages of development and use, renewable energy projects should comply with all federal, state, and local regulations pertaining to air quality, water quality and quantity, erosion, flood plains, and other environmental impacts.
- ❖ Reasonable access to public lands within and/or in the proximity of renewable energy projects should be preserved and protected. Access for livestock grazing and trailing, recreational activities, and other multiple uses should not be limited by the presence of renewable energy infrastructure.
- ❖ Renewable energy projects should avoid impacting grazing to the greatest extent practicable. Minimization and mitigation actions should be incorporated into the project-specific NEPA analysis and authorized as part of the project. Residual impacts and mitigation measures should be reviewed in consultation with:
 - The County;
 - The N-2 State Grazing Board and affected grazing permittee(s), and;
 - The Nevada Department of Agriculture.
- ❖ Renewable energy projects should avoid impacting private property, including but not limited to residences, agricultural areas, mineral rights, and water rights. If a proposed project has the potential to impact private property, the proponent should work directly with the impacted owner(s) and the County to propose minimization and mitigation options for consideration. Eminent domain is not an appropriate means of procuring rights for renewable energy projects.
- ❖ Renewable energy projects should avoid negative impacts to County-identified natural, visual, cultural, heritage, historic or recreational resources. If a proposed project has the potential to impact any of these resources, the proponent should work directly with the County to propose minimization and mitigation options for consideration.

- ❖ Project-specific NEPA review of proposed renewable energy projects shall consider impacts to County public health, safety, and welfare, County maintained roadways, community character and liveability, emergency management, and other services.
- ❖ Renewable energy structures should be designed to allow for the co-location of communication equipment for either public or private use.

Leasing and Revenue Sharing:

- ❖ Any changes to leasing or revenue sharing agreements on public lands should require a equitable split of proceeds with the County. Humboldt County will coordinate with its Congressional Delegation and the Nevada Association of Counties to develop favorable policies in this regard.
- ❖ The County does not support federal or State abatement or incentive programs that negatively impact County tax collection over the lifetime of an renewable energy project.