



# Nevada Session

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EPA Region 9 Tribal Operations Committee Winter 2026

Cliff Banuelos, ITCN/NDEP Tribal-State Environmental Liaison

# Agenda



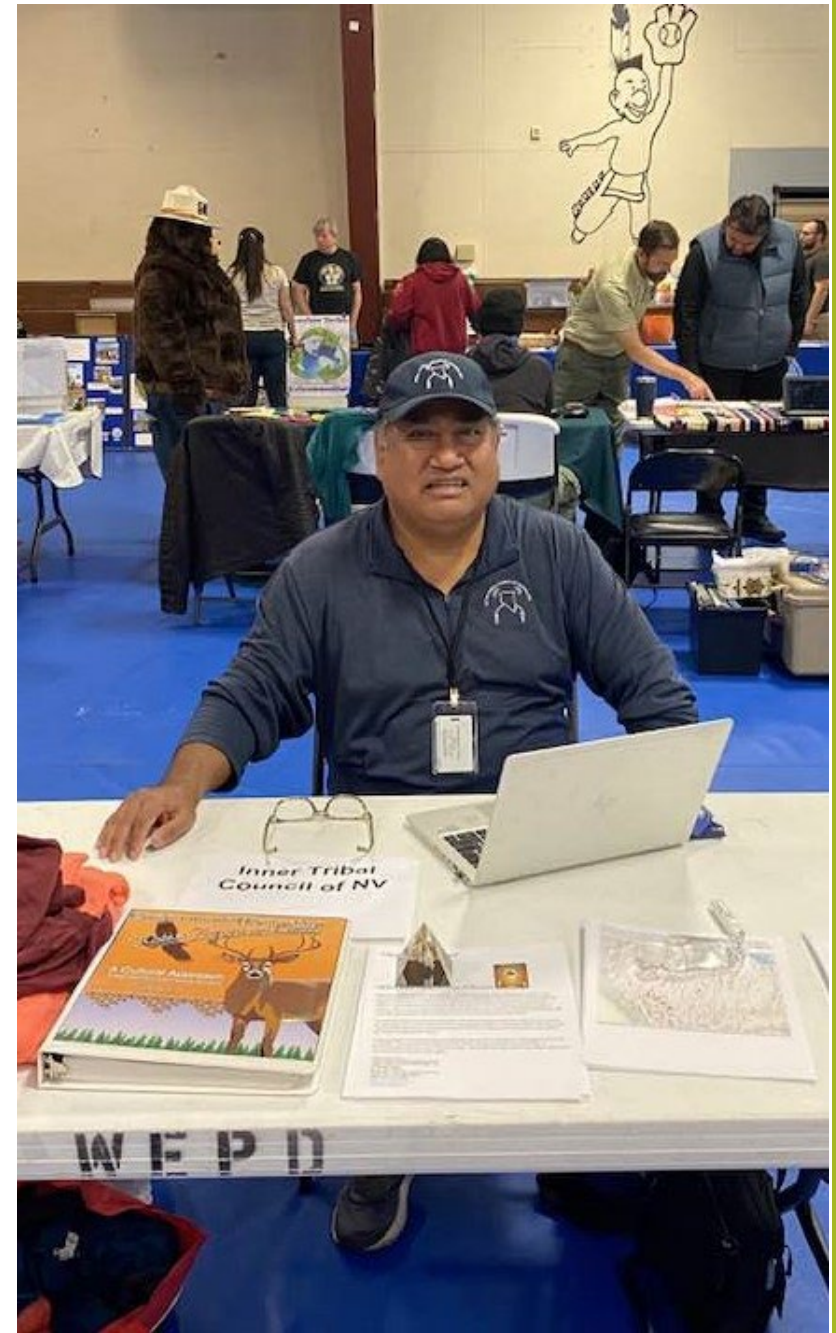
Law and Policy



Projects



Environment



# Federal Land Permitting

Primarily the BLM, Forest Service, and sometimes the U.S. Army Corps of Engineers (USACE) for, for example, wetland projects.

## Permit Types:

**Special Recreation Permits (SRPs):** Required for commercial, competitive, or organized group events on BLM land.

**Applications for Permit to Drill (APD):** Necessary for oil and gas development, involving site inspections and environmental reviews.

**Special-Use Permits:** Used by the Forest Service for specific, time-limited uses.

**Forest Product Permits:** Required for collecting materials like timber.

## Application Process:

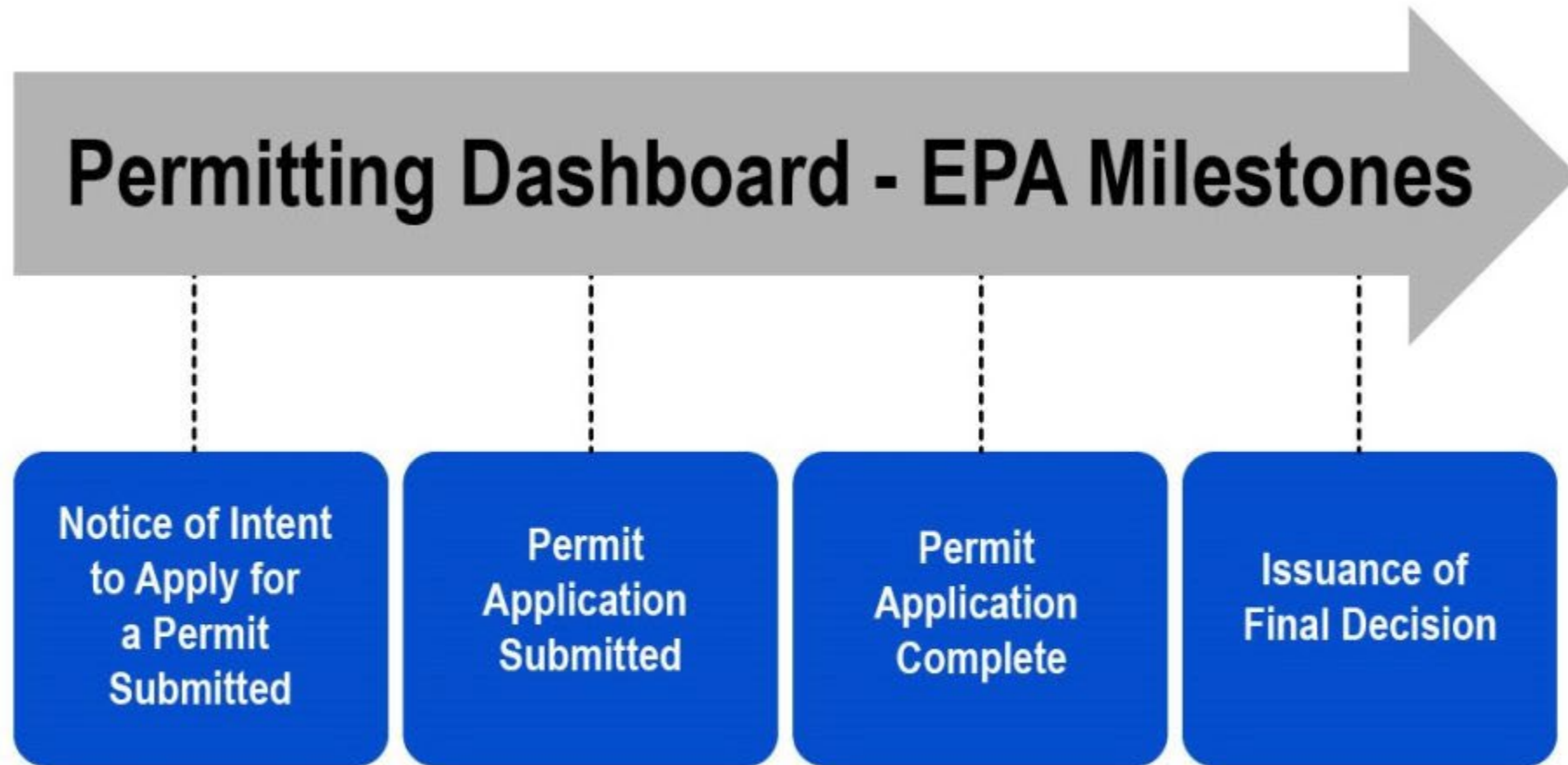
**Initiation:** Contact the local BLM field office to verify land jurisdiction.

**Submission:** Submit applications via portals like RAPTOR for BLM or through specific agency offices.

**Review & Inspection:** Agencies perform NEPA (National Environmental Policy Act) analysis to review environmental impacts, often conducting onsite inspections.

**Approval & Fees:** Permits may be approved with conditions. Fees are required, and non-compliance can result in fines.

# FAST -41 under EPA



(Outer Continental Shelf  
air permits only)

The Fixing America's Surface Transportation Act, or the FAST Act, is a funding and authorization bill to govern United States federal surface transportation spending. It was passed by Congress on December 3, 2015, and President Barack Obama signed it on the following day.<sup>[1][2]</sup> The vote was 359–65 in the House and 83–16 in the Senate.



# Emergency Permitting for Energy Projects

- \* Executive Order 14156 declared a national emergency due to inadequate domestic energy production.
- \* Accelerated Timelines: Environmental assessments (EAs) may be completed in ~14 days, while Environmental Impact Statements (EIS) are compressed to ~28 days.
- \* Scope: Focuses on coal, oil, natural gas, uranium, and critical minerals; generally excludes wind and solar.
- \* Process Changes: Limits public comment periods and utilizes "alternative arrangements" for compliance with environmental regulations.
- \* Agency Action: The DOI and Army Corps of Engineers are authorized to streamline Section 106 (historic preservation) and Section 404 (waterways) permits

Legal Action: A coalition of states has filed lawsuits challenging the emergency declaration, creating uncertainty for projects.

Emergency Definition: Traditional emergency permits (e.g., from the USACE) require imminent threats to life or property

H.R 4776

# Standardizing Permitting and Expediting Economic Development Act or the SPEED Act



# SPEED Act

This bill limits the scope of the National Environmental Policy Act of 1969 (NEPA) and modifies the environmental review of major federal actions under NEPA to generally limit the number of federal actions that trigger NEPA review and to expedite the review process.

For example, the bill redefines major federal actions, including to specify that an agency may not determine that an action is a major federal action based solely on the provision of federal funds.

It also excludes from the requirement for NEPA review certain proposed agency actions that have already been reviewed under another federal, state, or tribal environmental review statute that meets the requirements of NEPA.

The bill directs an agency, when preparing an environmental document for a proposed agency action, to consider only those effects proximately caused by the immediate project or action under consideration.

Agencies may not consider effects that are speculative, attenuated (reduced value) from the project or action, separate in time or place from the project or action, or in relation to separate projects or actions.

The bill modifies the requirement for agencies to prepare an environmental assessment to apply to agency actions that are not likely to have a reasonably foreseeable significant effect on the quality of the human environment. (Currently, the requirement only applies to actions that do not have such an effect.)

The bill makes a variety of other modifications to NEPA, including by limiting judicial review of NEPA cases.

-Taken from congress.gov



# Impacts on Land Projects

## Ormat Geothermal

- **Diamond Flat Geothermal Project:** Located on federally leased land near Fallon, this project will drill test wells and conduct geothermal resource confirmation work to find out if the geothermal reservoir is viable for development.
- **McGinness Hills Geothermal Optimization Project:** Located in Lander County, this project will upgrade and expand three existing geothermal power plants to increase output and efficiency.
- **Pinto Geothermal Project:** Located near Denio, this project will check geothermal potential on leased public lands via test drilling and exploration activities.





# Impacts on Land Projects

Ormat Technologies is suing the U.S. Fish and Wildlife Service (USFWS) and U.S. Department of the Interior, saying that the Dixie Valley toad was placed on the endangered species list “without any evidence” that its population is declining.

Ormat said the decision to list the toad was “arbitrary and capricious” and that USFWS based its decision on worst-case-scenario projections. Ormat further asserted the service did not take into consideration the company’s technology, which it said won’t negatively affect the region’s water supply.

The listing of the toad has “caused concrete and particularized harm to Ormat, including by impairing its significant investment of time, money, and other resources in a critically needed new renewable energy project in Churchill County,” according to the lawsuit. - RGJ



The Fallon Paiute-Shoshone Tribe and the Center for Biological Diversity have filed an intervention related to that lawsuit that says Ormat’s project impacts the toad and also impacts hot springs and sacred sites. Ormat counters that new technology and size reduction address those concerns.

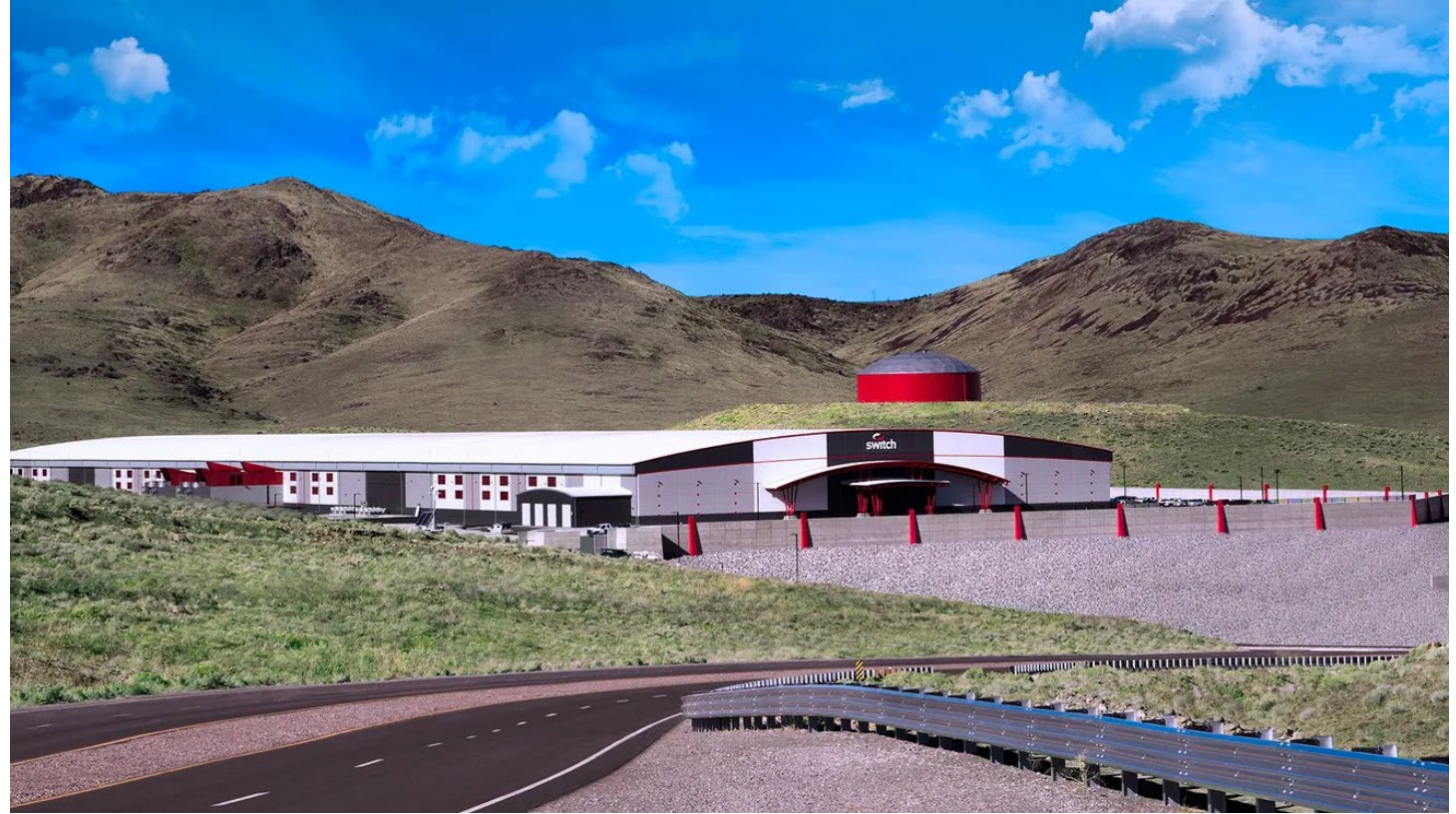
# Impacts on Land Projects

## Data Centers

“Tahoe Reno 1,” the 130-megawatt facility is one of several data center buildings planned for the project.

“The first building features 1.3 million square feet of data center space and is the largest single data center in the world,” said Adam Kramer, Switch vice president of strategy, in a phone interview.

The electricity needed to power these facilities will require permitting and most of it will be fast-tracked. Once the plans are complete for these projects, construction is very fast.





# Impacts on Land Projects

According to an MIT study, a single data center can use as much energy as an entire city. Nevada has cheap land, cheap energy, and tax breaks. As a result, multi-billion-dollar tech companies whose massive data centers power AI growth are consistently proposing new data centers. To keep the computers cool, data centers use large amounts of water and place a massive burden on the energy grid, and NV Energy has predicted a 53% increase in greenhouse emissions, which amounts to 3.2 million tons of additional greenhouse gas pollution.

The centers necessitate expanding the state's power sector by approximately 40%, and data centers use billions of gallons of water, and will prioritize the centers water and energy usage over resident usage, as structured.





# Impacts on the Environment

Olivia Tanager  
Toiyabe Chapter Director  
Sierra Club

# Changes to NEPA

Under new agency procedures (e.g., USDA/DOI NEPA rules), early scoping notice and formal comment periods during *draft EA/EIS stages* are no longer mandated. In practice, this can mean:

- **No required scoping comment period** to shape what issues are studied.
- **No required draft EA or draft EIS comment period** unless an agency chooses to hold one.
- Minimal public input processes
- **Shortened comment periods for a Final EIS (30 days)**

These alterations shift NEPA away from a predictable, transparent process toward **discretionary engagement**, meaning:

- The public may only learn about federal decisions *after* they are essentially finalized.
- There is no centralized requirement that agencies solicit early input on scope, alternatives, or impacts.
- Short comment windows and elimination of required draft comment periods erode the ability of communities and stakeholders to influence federal environmental decisions before they are made.

Sierra Club and Center for Biological Diversity filed a lawsuit in December to challenge these new rules

# Critical Mineral Dominance Act

- H.R. 4090
- Just passed the House yesterday. Reps Lee (D-NV) and Horsford (D-NV) joined Republicans, including Congressman Amodei (R-NV) to pass this bill. It now goes to the Senate.
- Accelerates and expands access to mining on federal lands





# Thank You

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