

United States Department of the Interior  
Bureau of Land Management  
Elko, Nevada

**Decision Record**

**T G Power LLC Hot Sulphur Springs Transmission Line Right-of-Way  
2800 (N-83204)**

T G Power LLC submitted a right-of-way (ROW) application to the Bureau of Land Management (BLM), Elko District, for a 24.5-mile, 120 kilovolt electric transmission line in Elko County, Nevada. They are developing a 32 net megawatt geothermal power plant on private land in the northern portion of Independence Valley. The transmission line would deliver electricity produced by the Hot Sulphur Springs Geothermal Power Plant to an existing power switching station. The majority of the transmission line would be on private lands used for ranching and hay production. About 8.5 miles cross public land administered by the BLM, Elko District. For compliance with the National Environmental Policy Act of 1969, BLM prepared an environmental assessment (EA) for the proposed action (BLM/EK/PL-2008/010). The March 2008 EA is incorporated by reference in this decision, and available upon request to the Elko District Office.

**Decision**

In accordance with the Federal Land Policy and Management Act of 1976, it is my decision to grant the ROW No. N-83204 to T G Power LLC for the Hot Sulphur Springs Transmission Line, as it is described for the proposed action in the March 2008 EA. **Exhibit A** provides a preliminary legal description for the public lands to be encumbered, which total an estimated 158 acres. **Exhibit B** lists the terms and conditions for the grant that T G Power must implement. Prior to BLM approving construction in the ROW, T G Power must obtain construction permits for the transmission line and related facilities, including the Hot Sulphur Springs Power Plant and access road, on both public and private lands. The resource protection requirements are described in the EA, section 2.1.8 (Environmental Protection Measures) and section 3.4 (Mitigation and Monitoring). The measures are prescribed to protect air, water, vegetation, wildlife, and cultural resources. Specific mitigation requirements address sensitive migratory bird and fish species, cultural resource protection and Native American concerns.

**Rationale**

1. The Federal Land Policy and Management Act of 1976 and regulations at 43 CFR 2800 direct the BLM to grant and manage rights of ways on public land to allow use specific areas of public land for certain projects including roads and transmission lines. Granting the ROW for a project that will provide a sustainable and low emission electric power generation facility from Northern Elko County is in the public interest.
2. As described in the EA, pages 3-4, the action conforms to the 1987 Elko Resource Management Plan and is consistent with other federal, state and local laws and policies. This includes current initiatives for the Energy Policy Act of 2005 and State of Nevada mandates that encourage the development of renewable energy.



**Exhibit A**

**T G Power Transmission Line Right-of-Way (N83204)  
Preliminary Legal Description**

T G Power LLC is planning to develop the Hot Sulphur Springs Geothermal Power Plant on private land, and to construct and maintain a 24.5-mile long 120 kilovolt electric power transmission line on private and public lands in Elko County, Nevada. The legal description of the power plant site is T. 41 N., Range 52 E., NE ¼ SE ¼ Section 8, Mount Diablo Meridian. The transmission line would terminate at the Sierra Pacific Power Company Humboldt Substation on public land in T. 39 N., R. 54 E., Section 31.

The following descriptions identify the sections of public land crossed by the transmission line. This preliminary list is subject to verification and correction, as the grant is processed in accordance with regulations at 43 CFR 2800. The linear feet of the line and acres encumbered are estimates only, based on survey and land status data available to the BLM, Elko District as of March 2008.

<b>Township and Range</b>	<b>Section</b>	<b>Aliquot Part</b>	<b>Linear Feet</b>	<b>Acres Encumbered</b>
T41N, R52E	8	NE SE	1,469	5.06
	9	SW	2,779	9.57
	15	NE NE	1,310	4.51
	22	W2 SE, NW NE	2,883	9.76
T39N, R52 1/2E	13	All (4 Lots4)	5,289	18.21
	24	Lot 1	713	2.46
T39N, R53E	19	NW NW, SE NW, NE SW, SE SE	5,508	18.97
	20	SW SW	618	2.13
	28	S2 SW	2,733	9.41
	29	N2 NW	1,949	6.71
	33	N2 NE, NE NW	2,992	10.30
	34	N2, NE SE	5,639	19.42
	35	N2 S2	5,540	19.08
	36	N2 SW, SE NW, SE NE	3,986	13.73
T39N, R54E	31	Lots 9, 15, 16	2,455	8.45
		<b>TOTAL</b>	<b>45,813</b>	<b>157.76</b>

## Exhibit B

### **T G Power LLC Transmission Line Right-of-Way Grant (N83204) Environmental Protection Terms and Conditions**

#### **A. Construction Permits**

The proposed transmission line will cross both public and private lands in Elko County, and is closely related to the Hot Sulphur Springs Geothermal Power Plant on private land. BLM's approval of construction in the public land right-of-way shall be conditioned upon TG Power obtaining all necessary permits for construction of the power plant, new road and transmission line on private as well as public lands from the permitting authority, as listed below.

Army Corps of Engineers (transmission line, access road and power plant)

- 404/401 Permit (Utility Line Activities, Linear Transportation Projects)

Nevada Division of Environmental Protection (transmission line, access road, power plant)

- Surface Area Disturbance Permit
- Stormwater General Permit for Construction
- Temporary Working in Waterways Permit

Nevada Department of Transportation (transmission line)

- ROW over Roadway Permit
- Occupancy or Encroachment Permit

Nevada Division of Environmental Protection (power plant)

- Injection Well Testing Permit
- Underground Injection Control Permits
- Temporary Surface Discharge Permits
- Air Quality Determination of Insignificant Activity
- Chemical Accident Prevention Program (construction and operation permits)

Nevada Division of Minerals (power plant)

- Industrial Production and Monitoring Well Permits
- Project Area Permit

Nevada Department of Water Resources (power plant)

- Water Appropriations Permits

Nevada Public Utilities Commission (power plant)

- Permit to Construct Utility Facilities

Elko County (power plant)

- Conditional Use Permit
- Zoning Change
- Construction Permits
- Hazardous Materials Permit

#### **B. Air Quality**

1. Fugitive dust will be specifically addressed as a condition in the Fugitive Dust Control Plan portion of the Nevada Division of Environmental Protection (NDEP) Surface Disturbance Permit application. TG Power will implement an ongoing program to control fugitive dust from disturbed areas using Best Management Practices (BMPs).
2. The transmission line and power plant access road from SR 226 will be maintained on a regular basis to minimize dust and provide for safe travel conditions.
3. Disturbance associated with the installation of the poles for the transmission line will be re-vegetated as soon as possible following completion.

**C. Water Resources**

1. The portion of the new road and transmission line that crosses Harrington Creek will be constructed under a U.S. Army Corps of Engineers 404 permit, and a Temporary Working in Waterways permit from the NDEP, Bureau of Water Pollution Control.
2. TG Power will develop a stormwater management plan pursuant to Nevada Administrative Code (NAC) 445A.236, Stormwater General Permit NVR10000. Activities covered under the permit will include construction and maintenance of all culverts installed on the access road and will identify the proper BMPs to be used at the disturbance sites along the transmission line.
3. Travel across drainages will be limited to existing roads, to the extent possible.

**D. Vegetation and Noxious Weeds**

1. Disturbance will be minimized to the extent possible during construction through use of existing roads and overland travel to access transmission line sites.
2. TG Power will use a certified weed-free seed mix during revegetation of disturbed areas around each transmission line pole. The proposed seed mix is shown below.

Species		Pounds Pure Live Seed Per Acre
Common Name	Scientific Name	
Sandberg's bluegrass	<i>Poa secunda</i>	2.0
Thickspike wheatgrass*	<i>Elymus lanceolatus</i> spp. <i>lanceolatus</i>	10.0

\* Streambank wheatgrass (*Elymus lanceolatus*) to replace thickspike wheatgrass on wetter sites.

3. Seeded areas will be monitored annually for three years, or until successful revegetation has been achieved, to identify areas that may need additional seed application or treatment for noxious weeds.
4. TG Power will implement a monitoring and weed control program along the transmission line corridor and maintenance roads. The occurrence of noxious weeds will be reported to the BLM. Weed control, if necessary, will include application of BLM-approved herbicides by a certified contractor.

**E. Wildlife, including Migratory Birds and Sensitive Avian and Fish Species**

1. To avoid destruction of birds, nests, eggs, or young, TG Power will avoid land clearing of native vegetation during the avian breeding season (April 1 to August 15). If it becomes necessary to clear any area during the breeding season, a survey for active nests will be conducted by a qualified biologist within areas to be cleared of vegetation. If active nests are located, a protective buffer zone will be established. The size of the buffer zone will be based on the species identified and will be approved by BLM. The buffer zone will remain in place until it is confirmed that the young have fledged.
2. Single pole structures with no cross bars will be used wherever possible to prevent perching and nesting opportunities for raptors, ravens, and crows.
3. TG Power will install anti-perching devices on the transmission line poles to discourage the perching and nesting of raptors, ravens, and crows.
4. TG Power will avoid construction of the transmission line in areas within two miles of sage grouse leks during the mating season and brood rearing, when possible.
5. Visual collision deterrent devices (bird flight diverters) will be installed on the transmission line, where the proposed ROW is located near sage grouse leks and on or near riparian and wetland areas, to reduce potential collisions associated with birds flying into the line. Flight diverter devices and predatory bird perching and nesting deterrents

will be tailored to site-specific conditions, such as average wind speed and line height, and will conform to Sierra Pacific Power Company specifications. These devices will be maintained, or replaced as necessary, for the life of the project.

6. The portion of the new access road to the power plant on land owned by Ellison Ranching Company has the potential to affect the riparian, wetland, meadow and pasture habitat used by sensitive migratory birds. Installation of culvert(s) in Harrington Creek will affect red band trout passage and habitat. Options for the design of the road and stream crossing should be considered as T G Power applies to the Army Corps of Engineers for a construction permit.

**F. Land Use and Access**

1. Any potential damage to livestock fences from construction activities will be repaired immediately.
2. TG Power employees and contractors will close livestock and property boundary gates when traveling through the transmission line corridor for public safety and to ensure livestock are confined to the appropriate allotment/or pasture and property rights are respected.

**G. Cultural Resources Protection and Native American Concerns**

1. TG Power will not disturb, alter, injure or destroy any scientifically important paleontological remains; or any historical or archaeological site, structure, building, object or artifact within the project area or on surrounding lands. The proponent will be responsible for ensuring that its employees, contractors or any others associated with the project do not collect artifacts, or damage or vandalize archaeological, historical or paleontological sites or the artifacts within them. Should damage to cultural resources occur during the period of construction, operation, maintenance or rehabilitation due to the unauthorized, inadvertent or negligent actions of the proponent or any other project personnel, the proponent shall be responsible for costs of rehabilitation or mitigation. Individuals involved in illegal activities may be subject to penalties under the Archaeological Resources Protection Act, Federal Land Management Policy Act, Native American Graves and Repatriation Act and other applicable statutes.
2. Cultural resource protection measures apply to the construction of the power plant, access road, transmission line, and other associated facilities on public and private land. Prior to commencement of earth disturbing activities in the project area deemed to be part of the federal undertakings for the project under the National Historic Preservation Act (NHPA), TG Power must insure that all project areas have been inventoried for cultural resources. TG Power will inventory and avoid, to the extent possible, National Historic Register eligible and potentially eligible cultural resource sites through design, construction, and operation of the transmission line and access routes.
3. The construction and maintenance of the transmission line and power plant will be conducted in an appropriate manner and in accordance with all permits to prevent problems associated with runoff that could affect adjacent cultural sites. This includes the use of BMPs to minimize off-site erosion and sedimentation.
4. Indirect impacts to cultural resources resulting from increased human activity will be mitigated through limiting public use of the transmission line/power plant access road.
5. Measures stipulated by the BLM in consultation with the Nevada State Historic Preservation Officer (SHPO) and, as appropriate, Indian tribes, must be put in place to mitigate or lessen adverse effects to historic properties, and cultural, traditional, spiritual and/or sacred resources and sacred sites in compliance with Section 106 of the NHPA, the Native American Grave Protection and Repatriation Act, the American Indian

- Religious Freedom Act and E.O.13007 (Sacred Sites). Effects to be considered in addition to physical impacts include those that might be adverse to the setting, feeling and association of ranch complexes and other historic structures in the project viewshed.
6. A 30-meter buffer zone will be established around eligible and potentially eligible cultural resource sites near the transmission line corridor, including where it connects to the Hot Sulphur Springs Geothermal Power Plant and along access routes, to protect the sites during construction. Construction activities will not encroach into the buffer zone.
  7. If avoidance is not practical or adverse effects cannot be effectively mitigated through avoidance, TG Power would conduct data recovery in conformance with the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716) or undertake other appropriate mitigation agreed to by BLM and the SHPO.
  8. Prior to construction, TG Power will train workers regarding the potential to encounter historic or prehistoric sites and objects, the proper procedures in the event that cultural items are encountered, prohibitions on artifact collection, and prohibitions on disclosing the location of culturally sensitive areas.
  9. Any suspected cultural object, site, Native American funerary item, sacred object, or human remains discovered during construction will be reported immediately to the BLM Authorized Officer by telephone and with written confirmation. Work will be suspended in the immediate area of such a discovery until it is evaluated by the BLM, and until the BLM gives authorization to recommence work in the area. An archaeological monitor, funded by TG Power, would be present during active construction at eligible or unevaluated cultural resource sites located within 300 feet of the project.
  10. If human remains or other items of importance to Native Americans, or any previously unidentified cultural (archaeological or historical) resources or vertebrate paleontological resources are discovered during the conduct of activities under the approved plan, the proponent would immediately cease all activities within 300 feet of the discovery, insure that the discovery is appropriately protected and immediately notify the BLM by telephone, followed by written confirmation. Work shall not resume within the avoidance area and the discovery shall be protected until the BLM Authorized Officer issues a notice to proceed.
  11. TG Power or its successors and assigns will fund an archaeological monitor to inspect historic properties within the project area between State Route 226 and Hot Creek for the duration of the power plant's operating life. Inspections would be on an annual basis for the first four years after completion of the power plant. After the first four years inspections would be biennial. The monitor must hold a Nevada BLM cultural resource use permit and submit an annual/biennial report of the findings. Conditions of each property shall be reported and any changes documented both in narrative form and with maps and photographs. Written notification to the BLM of the results is required within 7 days of completion of the fieldwork. The full report must follow in 50 days.
  12. BLM cultural resource specialists, accompanied by designated tribal observers when appropriate, may periodically visit sensitive cultural locations within or near the construction boundaries. Native American consultation and monitoring by BLM and Tribal Cultural Resource Specialists will occur when deemed necessary throughout the life of a project to ensure that any identified traditional cultural properties are not deteriorating.