

Virginia Peak Wind Company LLC

# Virginia Peak Wind Right-of-Way Application

## Draft Finding of No Significant Impact

DOI-BLM-NV-C020-2010-0015-EA

October 2010



## **Background**

Virginia Peak Wind Company, LLC (VPWC), a subsidiary of Nevada Wind, LLC, is requesting a right-of-way (ROW) authorization from the Bureau of Land Management (BLM) to build a bypass road on public land and cross public land with a high voltage transmission line. The ROW application includes the following elements: construction of 3,372 feet of bypass road and cross approximately 1,650 feet of public land with 120 kV electrical transmission line wires at four locations. The proposed bypass road and transmission line would be located within the Pah Rah Range in Washoe County, Nevada, east of the community of Warm Springs and 20 miles northeast of the city of Sparks. VPWC intends to use Microwave Road to haul equipment and components to its Virginia Peak wind generation plan facility located on nearby private land. Energy generated by the facility would be fed into NV Energy's energy grid, via a transmission line to NV Energy's East Tracy Substation adjacent to the Truckee River in Tracy, Storey County, Nevada.

## **Land Use Plan Conformance**

The public lands administered by the BLM in the project area are managed in accordance with the Carson City Field Office Consolidated Resource Management Plan (CRMP). Although the Proposed Action is not specifically addressed in the CRMP, it is consistent with objectives and administrative actions for right-of-way corridors.

Objectives from the CRMP follow National Policy for Rights-of-Way (43 CFR 2800.0-2 - Rights-of-Way – Objectives). Applicable provisions are as follows:

*It is the objective of the Secretary of the Interior to grant rights-of-way and temporary use permits, covered by the regulations in this part, to any qualified individual, business entity, or governmental entity and regulate, control and direct the use of said rights-of way on public lands so as to:*

- A. Protect the natural resources associated with the public lands and adjacent private property or other lands administered by a government agency.*
- B. Prevent unnecessary or undue environmental damage to the lands and resources.*
- C. Promote the utilization of rights-of-way in common with respect to engineering and technological compatibility, national security and land use plans.*
- D. Coordinate to the fullest extent possible, all actions taken pursuant to this part with state and local governments, interested individuals, and appropriate quasi-public entities.*

Administrative Actions from the CRMP that address utility facilities include:

*All applicants for right-of-way grants, whether or not they are within corridors, are subject to standard approval procedures as outlined in the right-of-way regulations (43 CFR 2802). These procedures include: 1) Preparation of an environmental assessment in accordance with the National Environmental policy Act of 1969, 2) A determination of compliance of the applicants*

*proposed plan with applicable federal and state laws, 3) Consultation with federal, state, and local agencies, and 4) Any other action necessary to fully evaluate and make a decision to approve or deny the application and prescribe suitable terms and conditions for the grant or permit. Consultation with the public, including adjacent landowners, will occur throughout the process.*

The proposal is consistent with the plans and policies of neighboring local, county, State, tribal and federal agencies and governments.

## **Finding**

Based on the analysis of potential environmental impacts in the *Virginia Peak Wind Right-of-Way Application Environmental Assessment*, DOI-BLM-NV-C020-2010-0015-EA, I have preliminarily determined that the Proposed Action will not have a significant effect on the human environment. Therefore, the preparation of an environmental impact statement (EIS) is not required for compliance with the National Environmental Policy Act of 1969.

This preliminary finding and conclusion is based on the consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the *context* and the *intensity* of impacts described in the EA.

## **Context:**

The Proposed Action is for the BLM to issue a right-of-way to the VPWC for the purposes of construction a bypass road 3,372 feet (0.64 mile) in length on public land and 1,650 feet (0.31 mile) of 120 kV electrical transmission line wires across public land at four locations. These represent a tiny amount as compared to the existing road and transmission line corridors that exist on private and public lands in the vicinity of the project area. The proposed bypass road would be located on the flattest terrain available. Constructing the bypass road on private land was eliminated from consideration because it would have greater environmental impacts, particularly on vegetation and wildlife. Alternative routes that would avoid constructing transmission lines across public land were considered but eliminated. These routes were eliminated because of concerns about the visual impacts and changes to property value. Use of a corridor adjacent to the Truckee River would raise additional concerns from Native American tribes, and preliminary evaluation of the route indicated potential adverse impacts to known cultural resources.

## **Intensity:**

1) *Impacts that may be both beneficial and adverse.*

The Proposed Action includes the construction of a bypass road for 3,372 feet. Minor short-term impacts would occur during construction of the bypass road, and the permanent loss of 2.71 acres of vegetation, consisting of Great Basin Pinyon-Juniper Woodland cover type, is considered a negligible impact to vegetation and wildlife. Installation of 1,650 feet of transmission line wire across public land would cause a negligible increase in impacts to wildlife from potential electrical shock of birds, and increased perching opportunities for raptors and

ravens, increasing predation on smaller wildlife species. VPWC will follow the *Suggested Practices for Avian Protection on Power Lines* to minimize potential impacts to birds. None of the environmental impacts discussed in detail in Chapters 3 and 4 of the EA are considered significant.

2) *The degree to which the proposed action affects public health or safety.*

No impacts to public health or safety have been identified. During construction, public access immediately around the work zone may be limited to ensure public safety. During construction of the transmission line wires, there is increased risk to workers while the wires are placed. Best management practices will be implemented during this work to minimize risk to employee safety.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no wetlands, park lands, prime or unique farm lands, wild and scenic rivers, ecological critical areas, or Areas of Critical Environmental Concern in the project area.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The Proposed Action is for the BLM to grant a right-of-way to VPWC for the purposes of construction of a bypass road and electrical transmission line wires across public lands. These actions have not been identified as highly controversial.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

No highly uncertain or unique or unknown risks have been identified.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The Proposed Action has been found to cause no significant effects to the environment and does not represent a decision in principle. Any future actions on public lands within the surrounding area would be analyzed on their own merits and carried out, or not, independently of the action currently proposed.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

Past, present and reasonably foreseeable future actions have been considered in the cumulative impacts analysis in the EA (Chapter 5). The cumulative impacts analysis examined all of the

other appropriate actions and determined that the Proposed Action would not have significant cumulative impacts or incrementally contribute to significant cumulative impacts.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.*

No sites listed in or recommended as eligible for inclusion to the National Register of Historic Places (NRHP) were found within the project area. Should a previously undiscovered cultural resource be discovered during construction of the Proposed Action, VPWC would implement mitigation measures to protect cultural resources.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

The Proposed Action would have no effect on federally listed endangered or threatened species. The project area does not include designated critical habitat under the Endangered Species Act.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The Proposed Action will not violate or threaten to violate any federal, State, or local law or requirement imposed for the protection of the environment.

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Date