

**DECISION RECORD
NV ENERGY VOR TRANSMISSION LINE
NVN-0-060758**

Environmental Assessment (EA) for NV Energy VOR Transmission Line,
DOI-BLM-NV-N020-2011-0022-EA

COMPLIANCE:

I have determined that the proposed actions are in conformance with the Elko Resource Management Plan dated March 11, 1987, and are consistent with plans, policies, and regulations of neighboring local, county, state, tribal, and federal agencies and governments. The proposed project is in compliance with the Federal Land Policy and Management Act of 1976, the Endangered Species Act, National Historic Preservation Act, and the Clean Water Act.

SELECTED ACTION:

The Bureau of Land Management (BLM), Tuscarora Field Office, has determined that the amendment of the Right-of-Way (ROW) to construct a new portion of a transmission line to the FAA VOR Facility will not result in any significant impacts to the environment. Therefore, an Environmental Impact Statement is not required and a Finding of No Significant Impact (FONSI) has been prepared.

IT IS MY DECISION TO:

1. Issue an amendment to the ROW for approximately 1.980 additional acres of public land managed by the BLM, Tuscarora Field Office, to NV Energy for the construction of a new portion of the VOR Transmission Line. This ROW will be subject to the Stipulations in the ROW Grant (see attached).

RATIONALE:

1. The proposed action supports coordination with State and local governments, interested individuals and appropriate quasi-governmental entities (43 CFR 2801.2(d)).
2. The Elko Resource Management Plan, Record of Decision, is silent on the ROW; however, it is consistent with management objectives.
3. In addition to the No Action Alternative there were no other alternatives considered, as the route chosen was the most direct route from the current transmission line.

COMPLIANCE WITH NEPA:

An Environmental Assessment was carried out in compliance with the National Environmental Policy Act to evaluate the proposed NV Energy VOR Transmission Line that would satisfy the project purpose and need.

MITIGATION:

With the inclusion of the environmental protection measures, no adverse impacts are expected from the implementation of the Transmission Line; therefore, mitigation is not required.

MONITORING:

The BLM will monitor the Transmission Line within one year of construction to assure permit compliance. BLM will also conduct subsequent site visits throughout the life of the ROW.

PUBLIC INVOLVEMENT:

Consultation and internal scoping and coordination were carried out during preparation of the Environmental Assessment throughout the years in 2010 and 2011.

Comments providing substantive new information relevant to the analysis were included in the EA and FONSI.

The BLM completed the Elko Resource Management Plan dated March 11, 1987. The EA dated July 2011 was posted to the Elko District web site and was available for public review at the Tuscarora Field Office for fifteen days.

APPEALS

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 Code of Federal Regulations (CFR), Part 4, and the information provided in BLM Form 1842-1.

If an appeal is taken, your notice of appeal must be filed in the Tuscarora Field Office, 3900 Idaho Street, Elko, Nevada 89801, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, pursuant to Title 43 of the Code of Federal Regulations, Part 4, Subpart E, the petition for a stay must be submitted to the Interior Board of Land Appeals and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay:

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

APPEAL AND PETITION FOR STAY

In accordance with 43 CFR 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge and may also petition for a stay of the decision pending final determination on appeal. The appeal

and petition for stay must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. Appeals and petitions for a stay of the decision shall be filed at the office of the authorized officer, see Protest above. Additionally the person appealing must serve a copy of their appeal and petition for stay on any person named in the decision including the name to which the decision is addressed, those listed at the end of this decision, and the Office of the Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890 within 15 days of filing the appeal and petition for stay. Appellant needs to be able to document service to any other person named in the decision and the Solicitor.

In accordance with 43 CFR 4.470, the appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision of the authorized officer is in error.

A petition for stay, if filed, must show sufficient justification based on the following standards (43 CFR 4.471(c)):

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

The appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

Authorizing Official:

/s/ David Overcast
David Overcast
Field Manager
Tuscarora Field Office

September 1, 2011
Date

Contact Person:

For additional information concerning this finding, contact:

Marissa Dolfin, Realty Specialist
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3900 E. Idaho Street
Elko, NV 89801