

**U.S. Department of the Interior
Bureau of Land Management**

**Record of Decision for the
One Nevada Transmission Line (ON Line) Project
Rights-of-Way**

N-82076

Document No. FES 10-59
BLM/NV/EL/11-04+1793

Prepared by:

Bureau of Land Management
Ely District Office
HC 33 Box 33500
Ely, Nevada 89301

March 01, 2011



Table of Contents

1.0	Introduction	1
2.0	Proposed Action and Alternatives	1
2.1	Proposed Action	1
2.2	Action Alternative	2
2.3	No Action Alternative	2
2.4	Agency Preferred Alternative	2
2.5	Environmentally Preferred Alternative	3
3.0	Decision	3
3.1	Terms and Conditions	4
3.2	Applicant Committed Environmental Protection Measures	4
3.3	BLM-Identified Mitigation Measures	7
4.0	Management Considerations.....	14
5.0	Public Involvement.....	15
5.1	Public Scoping	15
5.2	Draft EIS	15
5.3	Draft Supplemental EIS	15
5.4	Final EIS	16
6.0	Appeals Procedures.....	16
6.1	Standards for Obtaining a Stay	18
7.0	Signature.....	18

Acronyms

ACEC	Area of Critical Environmental Concern
APP	Avian Protection Plan
BLM	Bureau of Land Management
BMP	Best Management Practice
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
COM Plan	Communications, Operations, and Maintenance Plan
DOI	Department of the Interior
EEC	Ely Energy Center
EIS	Environmental Impact Statement
FAA	Federal Aviation Administration
FLPMA	Federal Land Policy and Management Act
GPS	Global Positioning System
kV	Kilovolt
NAD	North American Datum
NDOT	Nevada Department of Transportation
NDOW	Nevada Department of Wildlife
NEPA	National Environmental Policy Act
NOA	Notice of Availability
NOI	Notice of Intent
ON Line	One Nevada Transmission Line
RMP	Resource Management Plan
ROD	Record of Decision
ROW	Right-of-Way
RSS	Robinson Summit Substation
SOP	Standard Operating Practice
SWIP	Southwest Intertie Project
USFWS	United States Fish and Wildlife Service
UTM	Universal Transverse Mercator

1.0 Introduction

NV Energy has requested a right-of-way (ROW) to construct a company-owned and -operated 500 kilovolt (kV) transmission line and associated 500/345 kV substation and communication facilities on public lands located in White Pine, Nye, Lincoln, and Clark Counties, Nevada. These lands are presently managed by the Ely and Southern Nevada District Offices of the U.S. Bureau of Land Management (BLM). The Project will include: a new 500/345 kV substation referred to as the Robinson Summit Substation (RSS) located in White Pine County; a new 235-mile long 500 kV transmission line and fiber optic communication facilities from the proposed Robinson Summit Substation to the existing Harry Allen Substation located in Clark County; addition of new 500 kV electrical facilities inside the existing Harry Allen Substation; a loop-in of the existing Falcon-Gonder 345 kV transmission line at the Robinson Summit Substation; an expansion of the Falcon Substation by installation of new 345 kV electrical equipment located on private land in Eureka County; and associated access roads into and along the transmission line. This Project is referred to as the One Nevada Transmission Line (ON Line) Project.

These electrical and communication facilities were previously proposed as components of the former Ely Energy Center (EEC) Project, which consisted of the facilities described above plus: another parallel 500 kV transmission line; a 1,500 MW coal-fired power plant located north of Ely; power plant water supply; rail connections to the power plant; and ancillary facilities supporting the power plant.

BLM actions for this Project include issuance of ROWs necessary for construction (short-term) and operation (long-term) of the ON Line Project. ROWs issued for 50 years, with options to renew, are necessary for the operation and maintenance of all ON Line Project facilities located on BLM-administered public land. In addition, short-term ROWs are required from the BLM to accommodate construction activities, such as temporary access roads, batch plant sites, structure site work areas, pulling and tensioning sites, wire splicing sites, and material/equipment staging.

An Environmental Impact Statement (EIS) was prepared to analyze the potential impacts from the ON Line Project. Two Action Alternatives, including various sub-alternatives, and a No Action Alternative were analyzed.

This Record of Decision (ROD) addresses the ROWs required for construction and operation of the ON Line Project.

2.0 Proposed Action and Alternatives

The alternatives analyzed in the ON Line Project FEIS are summarized in the following sections.

2.1 Proposed Action

The Proposed Action includes a 235-mile transmission line with telecommunication and appurtenant facilities in White Pine, Nye, Lincoln, and Clark Counties, a substation near Robinson Summit in White Pine County, a loop-in of the existing Falcon-Gonder 345 kV transmission line at the new Robinson Summit Substation, expansion of the existing Falcon Substation in Eureka County, addition of new equipment inside the existing Harry Allen

Substation in Clark County, and access roads to all facilities collectively referred to as the ON Line Project. The Proposed Action transmission line includes Segments 6C, 8, 9B, 9A, 9D, and 11.

2.2 Action Alternative

The Action Alternative would consist of all of the same facilities as described under the Proposed Action; however, the 500 kV transmission line and telecommunication facilities would follow a parallel route alignment approximately 1,800 feet to the east of the Proposed Action alignment within the Southwest Intertie Project (SWIP) Utility Corridor. In addition, the RSS-Site B sub-alternative, including existing access road improvements and a new access road to the alternative substation, and Falcon-Gonder 345 kV loop-ins, would be an alternate action and location for the proposed substation (sub-alternative). The transmission line segments of the Action Alternative include 6C, 8, 9B, 9C, 9D and 11. Alternative segments of the Action Alternative include Segment 9A (sub-alternative) instead of 9C and Segment 10 (sub-alternative) instead of 9B, 9A, and 9D. Sub-alternative segment 9A deviates from the SWIP Utility Corridor. Sub-alternative Segment 10 deviates from the SWIP Utility Corridor as well, although the southern portion of it follows and occurs within an adjacent federally-designated utility corridor. The linear distance of the Action Alternative would be shorter than the Proposed Action by about two miles, for a total length of approximately 233 miles.

2.3 No Action Alternative

Under the No Action Alternative, BLM would not approve the issuance of ROWs; the proposed transmission line, telecommunications facilities, and substation would not be constructed or operated as described in the Proposed Action or Action Alternative.

2.4 Agency Preferred Alternative

Council on Environmental Quality (CEQ) regulations direct the agency to identify the agency's preferred alternative in the Final EIS (40 CFR 1502.14(e)). BLM's NEPA handbook further directs: "The manager responsible for preparing the EIS should select the BLM's preferred alternative... For externally initiated proposals, i.e., when the BLM is reacting to an application, the BLM selects its preferred alternative unless another law prohibits such an expression... The selection of the preferred alternative should be based on the environmental analysis as well as consideration of other factors which influence the decision or are required under another statutory authority" (BLM Handbook H-1790-1, Chapter V, Section B.2.b).

The Agency Preferred Alternative would consist of all of the same facilities as the Proposed Action, including the Proposed Action transmission line route location, but the RSS-Site B sub-alternative, including the access road, would replace the Proposed Action Robinson Summit Substation component.

The Agency Preferred Alternative is a combination of components from both the Proposed Action and Action Alternative and includes:

- Proposed Action Transmission Line Route (Segment 6C,8, 9B, 9A, 9D, and 11)
- Falcon Substation Expansion
- Action Alternative, Sub-Alternative RSS-Site B, including access roads, and the 345 kV loop-ins to existing Falcon-Gonder transmission line
- Addition of equipment within the existing Harry Allen Substation

- All the Best Management Practices and other stipulations described in Chapter 2 of the FEIS.

The reason for approval of the Agency Preferred Alternative is that development of the RSS – Site B would involve significantly less surface disturbance than would be required in developing the RSS site described in the Proposed Action. The RSS site described in the Proposed Action would be an expansion of a substation site already authorized to Great Basin Transmission, L.L.C. The intention was that this substation site would be shared by both transmission lines. Great Basin Transmission L.L.C. submitted a comment letter on the Draft SEIS stating that expanding the site would be problematic because of the terrain. A field visit by BLM staff confirmed this concern. The previously authorized RSS is situated on a hillside, bounded on two sides by drainages. To expand it would require major earthwork and the disposal of a significant quantity of excess material off-site. RSS – Site B is on relatively level ground and no appreciable amount of material would be expected while leveling the site, so no off-site disposal of excess material would be required.

2.5 Environmentally Preferred Alternative

The CEQ regulations at 40 CFR 1505.2 require the ROD to identify one or more environmentally preferred alternatives. The environmentally preferred alternative is the alternative(s) that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural, and natural resources. The No Action alternative is generally the environmentally preferred alternative because there would be no Project-related disturbance to the environment. Of the action alternatives, the BLM has determined that the Agency Preferred Alternative is the environmentally preferred alternative.

All practicable means to avoid or minimize environmental harm have been considered and adopted. The environmental commitments and mitigation measures are presented in Sections 3.1, 3.2, and 3.3 below.

3.0 Decision

Based on the analysis in the ON Line Project Final EIS, the BLM has decided to approve the Agency Preferred Alternative. The approval of these ROWs will result in the following actions:

- Construction and operation of a new 500/345 kV substation, referred to as the Robinson Summit Substation, at the RSS-Site B location adjacent to the SWIP Utility Corridor in White Pine County;
- Construction and operation of a new 500 kV transmission line, approximately 235 miles long almost entirely within designated federal utility corridors, from the RSS-Site B location to the existing Harry Allen Substation in Clark County;
- Addition of new 500 kV electrical facilities inside the existing footprint of the Harry Allen Substation;
- Construction and operation of a loop-in of the existing Falcon–Gonder 345 kV transmission line into the Robinson Summit Substation at the RSS-Site B location;

- Expansion of the existing Falcon Substation in Eureka County to install new 345 kV electrical equipment;
- Construction of temporary access roads into and along the transmission line alignments during the construction period;
- Construction and operation of fiber optic communication facilities built into and along the transmission line that will be ancillary to and in support of the ON Line Project; and
- Implementation of Best Management Practices (BMPs) during construction, operation, and maintenance to avoid or prevent the occurrence of impacts and, where possible, to minimize the magnitude, extent, and duration of those impacts when their occurrence cannot be prevented.

3.1 Terms and Conditions

Terms and conditions required for implementation of the Agency Preferred Alternative will consist of several sets of stipulations that are an integral part of the Project. The ROWs will be subject to the Lands and Realty Standard Stipulations, BMPs from the Ely District Resource Management Plan (RMP), the standard operating procedures (SOPs) typically associated with the construction, operation, and maintenance of utility corridors and related facilities in this region of the western United States, the BMPs from the ON Line Project FEIS (FEIS - **Appendix 2A**), the Cultural Resources Programmatic Agreement (FEIS - **Appendix 3E**), the Applicant Committed Environmental Protection Measures (ROD - **Section 3.2**), the terms of the Avian Protection Plan (APP) approved by the USFWS in February 2011, and the BLM-Identified Mitigation Measures (ROD - **Section 3.3**).

3.2 Environmental Protection Measures

Activities under the ON Line Project will include environmental protection measures that are an integral part of the Project. These measures include BMPs established by the BLM for the construction, operation, and maintenance of the ON Line Project and other related facilities in this region. The BMPs, SOPs, and other stipulations described in the FEIS will be followed to avoid or minimize the potential for adverse environmental effects resulting from Project-related activities. Special emphasis is placed on protecting desert tortoises and their habitat.

BMPs are fully described in the FEIS for the following:

- Air pollution prevention
- Landscape preservation and impact avoidance
- Erosion and sediment control
- Transmission line ROW
- Biological resources
- Cultural resources
- Paleontological resources
- Noxious and invasive weed management
- Reclamation (site restoration, revegetation)
- Visual resources
- Water pollution prevention and monitoring

- Noise prevention
- Hazardous material storage, handling, and disposal, and safety measures

In addition to the BMPs, to ensure public health and safety, NV Energy will comply with Federal Aviation Administration (FAA) permit requirements for Project components that may present aviation hazards. The FAA is the oversight agency that determines aerial marking requirements for aviation hazards.

A Construction, Operations, and Maintenance (COM) Plan will detail the methods and procedures to be used in the construction of the electric transmission, substation, and telecommunications facilities. The COM Plan will incorporate site-specific stipulations, terms, and conditions described in the FEIS in order to satisfy all construction requirements, as well as operational, maintenance, and abandonment/reclamation requirements associated with lands administered by the Ely and Southern Nevada District Offices of the BLM where Project features will be located.

Further, BLM requires implementation of the following Management Actions taken from the 2008 Ely RMP be implemented for fish and wildlife and special status species habitat. The language in these management actions is taken verbatim from the RMP. The details of all restrictions, protocols, criteria for determining 'where appropriate', and other general terms used in the following management actions will be provided by BLM Ely District wildlife biologists and are to be included in the COM Plan.

General Wildlife Habitat Management (Aquatic and Terrestrial)

WL-4: Mitigate all discretionary permitted activities that result in the loss of aquatic and priority wildlife habitats by improving 2 acres of comparable habitat for every 1 acre of lost habitat as determined on a project-by-project basis.

WL-6: Where appropriate, restrict permitted activities in big game calving/fawning/kidding/lambing grounds and crucial summer range from April 15 through June 30.

WL-7: Where appropriate, restrict permitted activities in crucial winter range from November 1 through March 31.

Desert Bighorn Sheep Habitat

WL-13: Where appropriate, restrict permitted activities within occupied desert bighorn sheep habitat from March 1 through May 31 and from July 1 through August 31.

Special Status Species Habitat

SS-4: Where appropriate, restrict permitted activities from May 1 through July 15 within 0.5 mile of raptor nest sites unless the nest site has been determined to be inactive for at least the previous 5 years.

Mojave Desert Scrub Habitat

SS-33: Implement the following management actions for desert tortoise habitat.

Within desert tortoise ACECs: If fence construction occurs during the tortoise active season, a qualified tortoise biologist will be onsite during construction of the tortoise-proof fence to ensure

that no tortoises are harmed. If the fence is constructed during the tortoise inactive season, a qualified tortoise biologist will thoroughly examine the proposed fence line and burrows for the presence of tortoises no more than three days before construction. Any desert tortoises or eggs found in the fence line will be relocated offsite by the biologist in accordance with approved Desert Tortoise Council protocols. Tortoise burrows that occur immediately outside of the fence alignment that can be avoided by fence construction activities will be clearly marked to prevent crushing.

Within desert tortoise ACECs: Projects will require fencing, unless determined by the BLM authorized officer and U.S. Fish and Wildlife Service (USFWS) that the project should not be fenced. In accordance with current specifications, fencing will consist of 1-inch horizontal by 2-inch vertical mesh. The mesh will extend at least 18 inches aboveground and, where feasible, 6 to 12 inches belowground. In situations where it is not feasible to bury the fence, the lower 6 to 12 inches of the fence will be bent at a 90 degree angle towards potentially approaching tortoises and covered with cobble or other suitable material to ensure that tortoise or other animals cannot dig underneath.

Within desert tortoise ACECs: Tortoise fencing will be inspected on a regular basis sufficient to maintain an effective barrier, and any repairs completed within 72 hours from March 1 through October 31, and within 7 days from November 1 through February 28/29. The operator will inspect the fencing at least on a quarterly basis and after major precipitation events to ensure zero ground clearance. Monitoring and maintenance will include regular removal of trash and sediment accumulation and restoration of zero ground clearance between the ground and the bottom of the fence, including re-covering the bent portion of the fence if not buried. The operator will perform maintenance when needed including removing trash, sediment accumulation, and other debris. Fencing will be removed upon termination and reclamation of the project, or when it is determined by the BLM authorized officer and USFWS that the fence is no longer necessary.

Within desert tortoise ACECs: During surface-disturbing activities, tortoise burrows will be avoided whenever possible. If a tortoise is found onsite during project activities, which may result in take of the tortoise (i.e., in harm's way), such activities will cease until the tortoise moves, or is moved, out of harm's way. The tortoise will be moved by a qualified tortoise biologist. All workers also will be instructed to check underneath all vehicles before moving such vehicles and within stockpiled materials. Tortoises often take cover under vehicles and construct burrows in stockpiled material.

Within desert tortoise ACECs: The BLM authorized officer will approve the selected consulting firm/biologist to be used by the project holder of the right-of-way grant to implement the terms and conditions of the ROW issued by the BLM. Any biologist and/or firm not previously approved will submit a curriculum vitae and be approved by the BLM authorized officer. Other personnel may assist with implementing terms and conditions that involve tortoise handling, monitoring, or surveys only under direct field supervision of the approved, qualified biologist.

Within desert tortoise ACECs: Tortoises and nests that are found will be handled and relocated by a qualified tortoise biologist in accordance with USFWS-approved protocol. Burrows containing tortoises or nests will be excavated by hand, with hand tools, to allow removal of the

tortoise or eggs. Desert tortoises moved during the tortoise inactive season or those in hibernation, regardless of date, will be placed into an adequate burrow; if one is not available, one will be constructed in accordance with Desert Tortoise Council protocol. Natural burrows will be checked prior to placing a tortoise in the burrow to ensure it is not occupied by another species. During mild temperature periods in the spring and early fall, tortoises removed from the site will not necessarily be placed in a burrow. Tortoises and burrows will only be relocated to federally managed lands. If the responsible federal agency is not the BLM, verbal permission, followed by written concurrence, will be obtained before relocating the tortoise or eggs to lands not managed by the BLM.

Desert tortoises moved in the winter (i.e., November 1 through February 28/29), or those in hibernation, regardless of date, will be placed into an adequate burrow; if one is not available, one will be constructed utilizing approved protocols for burrows in Section B.5.f. of the USFWS-approved guidelines.

All projects in desert tortoise habitat will be reviewed by the BLM's wildlife staff to ensure that appropriate measures have been incorporated into the BLM authorization (e.g., material site, land sale, or off-highway vehicle event) to minimize the potential take of desert tortoise or loss of habitat.

A BLM representative(s) will be designated and will be responsible for overseeing compliance with terms and conditions of all permitted activities and reporting requirements. The designated representative will provide coordination among the holder of the right-of-way grant, the BLM, and the USFWS.

SS-40: Outside of designated corridors, above-ground facilities will not be constructed within 0.25 mile of greater sage-grouse leks. No new roads will be constructed within 0.25 mile of greater sage-grouse leks. Exceptions may be granted by the authorized officer, in consultation with Nevada Department of Wildlife, if the project can be designed so that it will not affect breeding activity or degrade the integrity of the habitat associated with the lek, or if the lek has been inactive for at least 5 consecutive years or the habitat has changed such that there is no likelihood that the lek will become active.

SS-41: Where appropriate (i.e., visible from an actual lek), restrict permitted activities from March 1 through May 15 within 2 miles of an active greater sage-grouse lek.

SS-42: Where appropriate, restrict permitted activities from November 1 through March 31 within greater sage-grouse winter range. (Within identified winter habitat, site specific surveys may be conducted to confirm winter use and habitat.)

SS-43: Survey all proposed ground disturbing activities in suitable pygmy rabbit habitat utilizing the appropriate protocol. Surveys will be completed by a qualified biologist approved by the Ely District Office.

3.3 BLM-Identified Mitigation Measures

Water Resources

No additional mitigation measures are required.

Geology and Minerals

No additional mitigation measures are required.

Paleontological Resources

1. Paleontologists may make a determination, based on inspection and evaluation of spoil piles and previous grading within areas of high sensitivity, that areas formerly determined to have high potential for paleontological resources are actually low or undetermined and monitoring may be reduced.
2. Upon encountering scientifically significant paleontological resources, salvage of bone will be conducted with additional field staff and in accordance with modern paleontological techniques.
3. Fossils collected during the project will be prepared to a reasonable point of identification.
4. A report documenting the results of the monitoring and salvage activities and the significance of the fossils will be prepared.
5. Fossils collected during this work, along with the itemized inventory of these specimens, will be deposited in a museum repository for permanent curation and storage.

Soils

1. Ensure that soils are salvaged and there is placement of growth medium on sites ready for immediate reclamation to minimize the need for stockpiling the material. The underlying subsoil material will remain in place or be used elsewhere.
2. Design access roads to fit the terrain by avoiding unstable slopes and highly erodible conditions to the extent practicable to protect soils and prevent excessive sedimentation. These protective measures include, but are not limited to, mulch, matting, or slope length shortening.
3. Where soils are wet (i.e., when heavy equipment creates ruts in excess of 4 inches deep over a distance of 100 feet or more), construction, operation, and maintenance activities will be conducted in a manner so as to properly support construction or maintenance equipment. This standard will not apply in areas with silty soils, which easily form depressions even in dry weather. Where the soil is deemed too wet by the BLM authorized officer or his/or her agent (identified in the Notice to Proceed), one or more of the following measures will apply:
 - Re-route all construction or maintenance activities around the wet areas so long as the route does not cross into sensitive resource areas.
 - If wet areas cannot be avoided, implement BMPs for use in these areas during construction and improvement of access roads, and their subsequent reclamation. This includes use of wide-track or balloon-tire vehicles and equipment, or other weight dispersing systems approved by the appropriate resource agencies. It also may include use of geotextile cushions, pre-fabricated equipment pads, and other materials to minimize damage to the substrate where determined necessary by resource specialists.
 - Limit access of construction equipment to the minimum amount feasible, remove and separate topsoil in wet or saturated areas, and stabilize subsurface soils with a

combination of one or more of the following: grading to dewater problem areas, weight dispersion mats, and erosion control measures such as surface filling and back-dragging. After construction is complete, re-grade and re-contour the area, replace topsoil, and reseed to achieve the required plant densities.

4. Vegetation will be cleared and the construction ROW will be graded only to the extent necessary. Vegetation within the ROW will be cut or scraped at or near the ground level. Except for the area to be excavated, the vegetative root system and subsurface soils will be left intact to the greatest extent practicable. This will help stabilize the soils within the ROW during construction. ROW boundaries will be clearly staked or flagged and no disturbances are allowed beyond the limits.

Air Resources

1. Construction staging areas will not be placed within 500 feet of residences.
2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard, which is the distance from the top of the truck bed and the material being hauled.
3. Sweep streets of visible soil material carried onto adjacent paved public streets.

Mobile and Stationary Source Controls:

1. Reduce construction-related trips of workers and equipment, and unnecessary idling from heavy equipment.
2. Prohibit any tampering with engines to increase horsepower, and require continuing adherence to manufacturer's recommendations.
3. If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards.
4. Require low sulfur diesel fuel (15 parts per million), if available.
5. Locate diesel engines, motors, and equipment as far as possible from residential areas and sensitive receptors (schools, daycare centers, and hospitals).

Vegetation and Special Status Plants

1. Safely store salvageable cacti and yucca in temporary plant storage sites; plant salvage from areas of permanent disturbance will be moved once, and replanted during revegetation/reclamation activities.
2. Site-specific and targeted special status plant surveys will be conducted during the appropriately timed survey window, prior to final siting of electric transmission line structures and temporary use areas. If communities of special status plant species are present at a given structure location or temporary use area, all efforts to relocate that structure or temporary use area will be made to avoid such plants to the extent practicable. If relocating a specific structure or temporary use area is not feasible due to operational constraints and requirements, the individuals and/or community of special status plants to be impacted will be transplanted to an approved location through appropriate and close coordination with the BLM.

3. Locate temporary use areas at least 0.5 mile away from winterfat dominated sites whenever reasonable. Where reasonable, strive to locate temporary access roads outside winterfat dominated sites.
4. In portions of the Project Area adjacent to populations of Las Vegas buckwheat, new long-term disturbance will consist only of the centerline access road and ground-level structure foundation and anchor areas. All other disturbance (e.g., wire stringing sites and other staging and temporary use areas) will be limited to within the existing SWIP Utility Corridor.
5. NV Energy will close off and reclaim an existing two-track road that currently is situated within a large winterfat vegetation community to the north of the proposed new access road for the RSS-Site B location. This mitigation will help reduce future impacts to this winterfat vegetation community and allow this area to naturally restore itself.

Wildlife, Including Special Status Wildlife, Migratory Birds, Fisheries, and Aquatic Species

1. Banded Gila Monster Mitigation Measures

Banded Gila monsters can occur within the southern portion of the Project Area in southern Lincoln and northern Clark Counties. Measures provided by NDOW in a November 1, 2007, publication entitled *Gila Monster Status, Identification and Reporting Protocol for Observations* will be followed by the holder of the right-of-way grant and their private contractors so as to minimize impacts on the Gila monster associated with the ON Line Project:

Live Gila monsters found in harm's way on the construction site will be captured and then detained in a cool, shaded environment (<85°F) by the project biologist or equivalent personnel until a NDOW biologist can arrive for documentation, marking, and obtaining biological measurements and samples prior to releasing. Despite the fact that a Gila monster is venomous and can deliver a serious bite, its relatively slow gate allows for it to be easily coaxed or lifted into an open bucket or box carefully using a long handled instrument such as a shovel or snake hook (*Note: it is not the intent of NDOW to request unreasonable action to facilitate captures; additional coordination with NDOW will clarify logistical points*). A clean 5-gallon plastic bucket with a secure, vented lid; an 18"x 18"x 4" plastic sweater box with a secure, vented lid; or, a tape-sealed cardboard box of similar dimension may be used for safe containment. Additionally, written information identifying the mapped capture location, Global Positioning System (GPS) coordinates in Universal Transverse Mercator (UTM) using the North American Datum (NAD) 83 Zone 11, date, time, and circumstances (e.g., biological survey or construction) and habitat description (vegetation, slope, aspect, substrate) will be provided to NDOW.

Injuries to Gila monsters may occur during excavation, blasting, road grading, or other construction activities. In the event a Gila monster is injured, it should be transferred to a veterinarian proficient in reptile medicine for evaluation of appropriate treatment. Rehabilitation or euthanasia expenses will not be covered by NDOW. However, NDOW will be immediately notified of any injury to a Gila monster and which veterinarian is

providing care for the animal. If an animal is killed or found dead, the carcass will be immediately frozen and transferred to NDOW with a complete written description of the discovery and circumstances, date, time, habitat, and mapped location (GPS coordinates in UTM using NAD 83 Z 11).

Should NDOW's assistance be delayed, biological or equivalent acting personnel on site should detain the Gila monster out of harm's way until NDOW personnel can respond. Should NDOW not be immediately available to respond for photo-documentation, a digital (5 megapixel or higher) or 35mm camera will be used to take good quality images of the Gila monster in situ at the location of live encounter or dead salvage. The pictures will be provided to NDOW along with specific location information including GPS coordinates in UTM using NAD 83 Z 11, date, time, and habitat description. Pictures will show the following information: (1) Encounter location (landscape with Gila monster in clear view); (2) a clear overhead shot of the entire body with a ruler next to it for scale (Gila monster should fill camera's field of view and be in sharp focus); and (3) a clear, overhead close-up of the head (head should fill camera's field of view and be in sharp focus).

2. Avian Wildlife Mitigation Measures

For a complete list of protected birds see 50 CFR 10.13.

A. Greater Sage-Grouse

In order to minimize the possibility of disruption of mating strategies of greater sage-grouse, the holder of the right-of-way grant will employ the following:

No construction activities will occur during the period from March 1 through May 15 within two miles of active greater sage-grouse leks. However, construction traffic can proceed through the area during this period, outside the 0.25 mile no surface occupancy area around leks, except from 2 hours before sunrise until 10:00 am.

Modified tower design, including H-frame structures and perch deterrents, will be used in locations within two miles of known active leks and in areas of combined nesting, wintering, and summer brooding habitat. The final placement of modified structures will be determined based on current data and identified in the COM Plan. Within identified winter habitat, site specific surveys may be conducted to confirm winter use and habitat.

B. Migratory Birds

Land disturbing construction and vegetation clearing activities will be scheduled outside of the breeding season (March 15 through July 30 - in upland desert habitats and ephemeral washes containing upland species and March 1 through August 30 - in riparian and higher elevation areas). Where construction is required during the breeding season, the area impacted will be surveyed for nests prior to construction. If no nests are found, construction could proceed. Project area surveys will be done to ensure 100 percent coverage. Methods will be selected based on the plant community and/or topography. Field notes and reports will thoroughly describe methodology and rationale for use and be archived.

If active migratory bird nests (i.e., containing eggs or young, or a mated pair is observed exhibiting territorial defense, carrying nesting material, and/or transporting food) are encountered during the surveys, land disturbing construction activities will be avoided while the birds are allowed to fledge. An appropriate construction avoidance buffer area, to be determined for the species and in conjunction with the USFWS and BLM, will apply to all active nests for migratory bird species.

Gaps or narrow open hollow spaces in the proposed facilities or structures capable of trapping cavity-nesting birds will be inspected and closed, if necessary to prevent unintentional take of migratory birds. In addition, open-ended posts will also be inspected and capped, and any holes towards the top of a hollow post will be filled, as necessary.

C. Western Burrowing Owls and Ground Nesting Species

Surveys will include burrowing owls and other ground nesting species. Surveys will be conducted following the California Burrowing Owl Consortium's survey protocol. If active nests containing eggs and/or young were to be found, then an appropriately-sized buffer area will be established (minimum of 250 feet), marked and avoided during construction so that egg laying, incubation, and the rearing of young continues until such time as the young fledge.

For construction activities from October 1 to March 14, the wildlife biologist will collapse all burrows, holes, crevices, or other cavities on the construction site only after thoroughly inspecting them for inhabitants, in accordance with agency protocols. This will discourage burrowing owls from potentially occupying the burrows, holes, and crevices before and during construction activities. Any burrowing owl burrows collapsed as a result of pre-construction activities will be reconstructed after construction activities are complete.

If burrowing owls are observed during surveys after March 15, the wildlife biologist will be notified. The wildlife biologist will rely on behavioral observations to determine their breeding status. Should breeding behavior be observed, the wildlife biologist will assume that an active nest is present and the area will be avoided until the young fledge. This ensures that any eggs or young are not abandoned due to Project activities. The owl's total nesting cycle takes a minimum of 74 days, during which time construction activity needs to cease within the buffer area on the site. Generally, owl eggs may be laid between mid-March to the end of May, and young may be present from mid-April through August. (Adapted from USFWS recommendations)

D. Raptors

Raptor nests within the Project Area will be identified during pre-construction surveys for migratory and ground-nesting birds. All active raptor nests will be avoided. Known raptor nest sites need to be checked two to five days prior to construction activities in a given area. If an active raptor nest site is discovered, construction activities will not occur within 0.5 miles of the active nest site from May 1 through July 15, unless authorized by the BLM biologist.

NV Energy will implement the ON Line Avian Protection Plan (APP) approved by the U.S. Fish and Wildlife Service on February 1, 2011. This plan addresses permit compliance (USFWS and NDOW), construction and modification design standards, and avian mortality reporting and protocols. All actions to be taken to implement the APP are to be addressed in the COM Plan.

3. Pygmy Rabbit

If pygmy rabbit areas are discovered during pre-construction surveys or natal burrows are found, surface disturbance will not occur within 200 feet of the areas, when feasible. If not feasible, disturbance of burrows will be avoided unless the burrow can be determined to be inactive. This determination will be made by a BLM biologist.

4. Kangaroo Mouse

For areas of proposed surface disturbance, within identified, potentially suitable habitat, and where evidence (i.e., burrows) of small mammals is present for the kangaroo mouse, site-specific trapping to determine the presence/absence of the kangaroo mouse, and potential relocation of individual kangaroo mice will be conducted in consultation with the BLM biologist.

5. Big Game Mitigation Measures

Within the BLM Southern Nevada District, construction activities will not be allowed within occupied desert bighorn sheep habitat from March 1 through May 31 and from July 1 through August 31, unless authorized by the BLM biologist.

Range

The right-of-way holder will avoid construction related surface disturbance (e.g., temporary stage areas, wire-pulling sites, etc.) in areas of Geta soils to minimize disturbance within these highly productive soils for range forage.

Cultural Resources

No additional mitigation measures are required.

Native American Concerns

No additional mitigation measures are required.

Land Use and Realty

No additional mitigation measures are required.

Special Designations

No additional mitigation measures are required.

Recreation

Construction schedules will be coordinated with permitted recreation activities to avoid conflicts.

Visual

No additional mitigation measures are required.

Noise

Construction staging areas will be placed no closer than 500 feet from residences. The schedule for all Project construction activity will preclude the use of heavy equipment, including those with the largest construction noise producing capability, between 10 PM and 7 AM within 2 miles of sensitive receptors.

Socioeconomics

No additional mitigation measures are required.

Environmental Justice

No additional mitigation measures are required.

Hazardous & Solid Waste

No additional mitigation measures are required.

Transportation

NV Energy will coordinate with NDOT and utilize proper signage and traffic controls to avoid potential impacts to roadway conditions due to construction of the ON Line Project.

4.0 Management Considerations

The rationale for the decision described in **Section 3.0** is that it will allow NV Energy to make legitimate use of public lands while minimizing impacts to public land resources managed by the BLM. The decision is in accord with Title V of the Federal Land Policy and Management Act (FLPMA) of 1976, the ROW regulations at 43 CFR Part 2800, and the Energy Policy Act of 2005. The proposed ROW has been analyzed as directed by the CEQ regulations at 40 CFR Parts 1500-1508, which implement the National Environmental Policy Act (NEPA) of 1969.

In making the decision to approve the Agency Preferred Alternative as described in **Section 2.4**, the BLM has carefully considered the following factors.

- The Agency Preferred Alternative utilizing the Proposed Action transmission line route and the RSS-Site B sub-alternative substation location best fulfills the agency's statutory mission and responsibilities, considering environmental, technical, economic, and other factors.
- The decision conforms to the Ely and Las Vegas Resource Management Plans' goal to meet public, local, state, and federal agency needs for use authorizations, such as rights-of-way, permits, leases, and easements, while avoiding or minimizing adverse impacts to other resource values and objectives. Implementation of this decision will not cause unnecessary or undue degradation of the public lands and is consistent with other legal requirements.
- The decision establishes BMPs, plus environmental protection and mitigation measures.

5.0 Public Involvement

The Project originally began as the EEC. A Notice of Intent (NOI) to Prepare an Environmental Impact Statement for the EEC was published in the Federal Register on January 26, 2007 (Volume 72, No. 17, pages 3871-3875). A Notice of Intent to Prepare a Supplemental Environmental Impact Statement for the ON Line Project was published in the Federal Register on July 29, 2009 (Volume 74, No. 144, pages 37728-37729).

5.1 Public Scoping

The public scoping period was conducted under the originally proposed EEC Project, which included a power plant, the Robinson Summit Substation, 236-miles of transmission and telecommunication facilities between the Robinson Summit Substation and Harry Allen Substation, the loop-in of the Falcon-Gonder 345 kV line at Robinson Summit, access roads, and temporary work areas, all of which but the power plant were later proposed as the ON Line Project. The public was provided a 30-day scoping period, which included five open-house style scoping meetings, at the beginning of the EEC EIS process to identify potential issues and concerns associated with the EEC and components of the now amended ON Line Project. Any additional comments provided during the public scoping period following the NOI published for the ON Line Project were also considered.

5.2 Draft EIS

The EEC Draft EIS review period was initiated by publication of a Notice of Availability (NOA) for the Draft EIS in the Federal Register on January 2, 2009. The BLM conducted four public open-house meetings with a formal presentation and verbal public comment session in Reno, Las Vegas, Ely, and Elko, Nevada. Public comment forms were available for attendees to provide a written comment, and a court recorder was present at each meeting to record oral comments. The 90-day formal public comment period concluded on April 3, 2009.

On February 9, 2009, NV Energy announced its decision to postpone construction of the EEC power plant and associated supporting facilities and to continue with the permitting and development of the substation, transmission line, and communication components between its southern and northern service territories, and upgrade of existing substations, now referred to as the ON Line Project. This announcement occurred between the first and second public comment meetings and was subsequently discussed during the Las Vegas, Ely, and Elko meetings. At these three subsequent meetings, NV Energy reiterated its formal announcement to reduce the scope of the EEC, including the reasons and components of the Project going forward as the ON Line Project. The BLM asked attendees to comment separately, if possible, on the postponed EEC components (i.e., coal-fired generation plant) and the proposal to continue forward with the transmission line facilities.

5.3 Draft Supplemental EIS

NV Energy submitted an amended SF-299 application and Plan of Development on March 30, 2009, to describe the Project going forward as a reduced subset of the original EEC Project. As a result of the change in Project scope, the BLM decided a Draft Supplemental EIS should be completed in order to define the revised Project scope and present the NEPA analysis for the

ON Line Project separately. A Notice of Intent (NOI) to prepare a Supplemental EIS for the ON Line Project was published on July 29, 2009.

The distribution of this Draft Supplemental EIS (DES 09-50) was conducted in the same manner as the EEC Draft EIS. The Draft Supplemental EIS review period was initiated by publication of the EPA NOA in the Federal Register on November 6, 2009, with a 45-day public comment period. The BLM NOA was published in the Federal Register on November 20, 2009, in effect allowing the public a comment period of 60 days, ending January 5, 2010. Three public comment meetings (Las Vegas, Caliente, and Ely) were held during the comment period.

Nineteen comment letters were received and taken into consideration in the preparation of the ON Line Project Final EIS. A comment from the existing Great Basin Transmission Line ROW holder identified potential conflicts with the Robinson Summit Substation, specifically the amount of surface disturbance that would be required to expand the site to accommodate the ON Line substation. The concern was verified in a site visit by BLM staff. Because of the terrain, expansion of the existing substation would require a significant amount of earthwork and produce a significant quantity of excess material that would need to be deposited off-site. In response, an alternative substation site that would result in significantly less surface disturbance was added to the Final EIS (**Section 2.3**). The BLM NEPA Handbook (H-1790-1, Section 6.9.2.2) allows the addition of reasonable alternatives not analyzed in the draft EIS to be added in response to a 'substantive comment'. The RSS-Site B (and its associated facilities) would have impacts similar to the Robinson Summit Substation and would not produce "substantial changes in the proposed action that are relevant to environmental concerns." As such, RSS-Site B does not meet the criteria set forth in 40 CFR 1502.9(c) that would trigger the need for a supplemental EIS. The comments also identified the need to clarify several sections of the document. Responses were prepared for substantive comments (Chapter 7 of the Final EIS), and modifications and/or corrections were made to the Final EIS as determined necessary in response to these comments.

5.4 Final EIS

The Final EIS (FES 10-59) was completed after consideration was given to comments received on the Draft Supplemental EIS. The distribution of this Final EIS was conducted in the same manner as the Draft Supplemental EIS. A 30-day Final EIS availability period was initiated by publication of the EPA NOA for the Final EIS in the Federal Register on December 6, 2010, with the availability period extending until January 4, 2011.

6.0 Appeals Procedures

This decision may be appealed to the Interior Board of Land Appeals (Board), U.S. Department of the Interior (DOI), Office of Hearing and Appeals, in accordance with the regulations contained in 43 CFR Part 4. A person who wishes to appeal must file a notice that he or she wishes to appeal with the Ely District Office Manager, located at 702 North Industrial Way, Ely, Nevada. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Bureau of Land Management
Ely District Office
HC 33 Box 33500
Ely, NV 89301-9408.

A person served with the decision being appealed must transmit the notice of appeal in time for it to be received in the appropriate office no later than 30 days after the date of service. Notice of this record of decision is being published in the Federal Register (on or about the date signed). Persons not served with the decision must transmit a notice of appeal in time for it to be received in the appropriate office no later than 30 days after the date of publication. The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal and a statement of standing if required by 43 CFR Sec. 4.412(b). No extension of time will be granted for filing the notice of appeal. If a notice of appeal is filed after the grace period provided in Sec. 4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the notice of appeal is filed during the grace period provided in Sec. 4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

Copies of the notice of appeal and statement of reasons must be served concurrently on each party named in the decision and on the Office of the Solicitor (43 CFR 4.413; 43 CFR 4.422).

The Project Proponent may be served at the following address:

NV Energy
P.O. Box 98910, MS 30
Las Vegas, Nevada 89151-0001.

The U.S. DOI Solicitor may be served at the following address:

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-1712
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be filed with the Board at the following address no later than 30 days after the notice of appeal was filed:

Interior Board of Land Appeals
Office of Hearings and Appeals
801 North Quincy Drive
Arlington, VA 22203.

In accordance with 43 CFR 2801.10, this decision will remain in full force and effect during the appeal unless a written petition for a stay is granted. If the appellant wishes to file a petition pursuant to the regulations at 43 CFR 4.21 or 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient

justification based on the standards listed below. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

6.1 Standards for Obtaining a Stay (43 CFR 4.21(b))

Except as otherwise provided by law or by other pertinent regulation, 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.

7.0 Signature

My decision as District Manager is to approve the Agency Preferred Alternative for the construction and operation of the ON Line Project.

Issuance of the ROW grant and temporary use permit will follow the signing of the Record of Decision. The holder of the Grant will be required to secure a Notice to Proceed before beginning work on the ground.

Rosemary Thomas
District Manager

Date: _____