

# Chapter 1

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# Chapter 1

## Introduction - Purpose and Need

### 1.1 Introduction

This Final Environmental Impact Statement (FEIS) was prepared in response to an amended SF 299 application for the One Nevada 500 kV Transmission Line (ON Line Project) submitted on March 30, 2009, by Sierra Pacific Power Company and Nevada Power Company, now doing business as NV Energy (the Proponent). This document will evaluate and disclose potential impacts of the proposed development of the ON Line Project and aid the Bureau of Land Management (BLM) in making a decision on whether or not to authorize the requested rights-of-way (ROW) to NV Energy.

NV Energy is proposing to develop a company-owned and -operated 500 kilovolt (kV) transmission line and associated 500/345 kV substation and communication facilities located in White Pine, Nye, Lincoln, Eureka, and Clark counties, Nevada. The project would include: a new 500/345 kV substation referred to as Robinson Summit Substation located in White Pine County, a new 236-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 through installation of new 345 kV electrical equipment located in Eureka County, and associated access roads into and along the transmission line. These project components are shown in **Figure 1.1-1**.

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. A draft EIS evaluating the entire EEC (NV-040-09-001) was released on January 2, 2009, for a 90-day public comment period. 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, and communication components between its southern and northern service territories, and upgrade of existing substations, now referred to as the ON Line Project. Due to the indefinite postponement of the EEC Project and the submittal of a revised Plan of Development for the ON Line Project, the EEC Project will not be considered or analyzed in this FEIS, even as a reasonably foreseeable future action for cumulative impacts in Chapter 5.

This FEIS addresses impacts from the construction, operation, and maintenance of the ON Line Project. This document was prepared in compliance with the National Environmental Policy Act (NEPA (42 U.S.C. 4321); regulations of the Council on Environmental Quality (CEQ), (40 CFR 1500-1508); BLM's *NEPA Handbook*, H-1790-1; and the BLM's *Ely District Office Environmental Analysis Guidebook*.

## **1.2 Purpose and Need of the Proposed Action**

The BLM's purpose of the proposed action is to provide NV Energy appropriate ROW access to construct and operate a long-term commercial transmission facility to improve energy transmission system reliability within Nevada. The BLM's need for the action is to respond to NV Energy's SF 299 application for ROWs (long-term and short-term) under Title V of the Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1761-1771).

## **1.3 Agency Decision to be Made**

The BLM is required to evaluate and make a decision regarding the granting of ROWs in response to NV Energy's SF 299 application for the ON Line Project. The BLM will issue a Record of Decision based on the analyses provided in this FEIS.

## **1.4 Proposed Action Summary**

On March 30, 2009, NV Energy submitted an amended SF 299 *Application for Transportation and Utility Systems and Facilities on Federal Lands* to the BLM for the ON Line Project, which is a subset of the original EEC Project (BLM 2009a). The ON Line Project would cross public lands administered by the BLM's Ely and Southern Nevada District Offices. As explained by NV Energy, the objective of the ON Line Project is to meet the electrical transmission needs in Nevada and the western United States by interconnecting NV Energy's northern and southern electrical systems. This connection would improve system efficiency, reliability, and flexibility by allowing NV Energy's northern and southern service areas to share energy resources, better support each other during power emergencies, and provide better access to the state's renewable energy resources.

There is a current lack of transmission capacity in the western United States, which impedes development of renewable energy resources. Many renewable energy zones identified in Nevada are in remote regions that do not possess access to the transmission system grid that would enable transfer of that energy across the state (Nevada RETAAC 2007). The western United States and Nevada in particular has a critical need for long-distance energy transport infrastructure due to location of population centers and remotely located energy generation facilities or potential energy sources.

The Public Utilities Commission of Nevada (PUCN) Order (PUCN 2007) acknowledges that in order for NV Energy to meet its statutory obligations providing renewable energy developers with a transmission pathway to market, it needs to interconnect its north and south electrical systems. The Energy Policy Act of 2005, specifically Section 368, addresses the need for additional electricity infrastructure and directs agencies to consider the need for upgraded and/or new infrastructure, and to take actions to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver energy.

In order for NV Energy to efficiently provide energy resources where they are most needed, the Proponent must interconnect its southern and northern electric systems. This would provide flexibility and reliability to the system through access to other energy resources during emergencies or periods of high use.

**Figure 1.1-1 Project Location Map**

NV Energy has applied to the BLM Ely District Office for ROWs that would authorize its construction, operation, and maintenance of the ON Line Project. NV Energy is seeking these ROWs to develop a 500 kV transmission line and associated facilities as described below from the Ely area to the Las Vegas area to interconnect its two electrical systems for the first time within the state. This transmission line and facilities would allow NV Energy to share its southern and northern generation resources, access renewable resources in northeastern Nevada, and increase the diversity of power supply options. These facilities would primarily be located on federal land administered by the BLM's Ely and Southern Nevada District Offices.

The proposed general project area is shown in **Figure 1.1-1**. The project area includes the Proposed Action and Action Alternative footprints (including areas for both temporary and permanent ROWs).

The proposed project's electrical and communications facilities would include:

- A new 500/345-kV substation referred to as the Robinson Summit Substation adjacent to the Southwest Intertie Project (SWIP) Utility Corridor in White Pine County;
- A new 500-kV transmission line, approximately 236 miles long almost entirely within designated federal utility corridors, from the proposed Robinson Summit Substation 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;
- A loop-in of the existing Falcon–Gonder 345-kV transmission line at the Robinson Summit Substation;
- Expansion of the existing Falcon Substation in Eureka County to install new 345-kV electrical equipment;
- Access roads into and along the transmission line alignments; and
- Fiber optic communication facilities built into and along the transmission line that would be ancillary to and in support of the ON Line Project.

A more complete description of the Proposed Action elements and other project alternatives is included in **Chapter 2**.

## **1.5 Background**

### **1.5.1 Population Growth in Nevada**

The 2007 population estimates from the U.S. Census Bureau showed Nevada as the fastest growing state in the United States. In 2008, however, Nevada dropped from No. 1 to No. 8 on a ranking of America's fastest growing states. Even so, Nevada's population grew by 30.1 percent from April 1, 2000, to July 1, 2008. This compares to the nation's population rise of 8.0 percent over the same period (Bureau of Census 2009).

NV Energy serves over 95 percent of the state's population; 71.5 percent of the state's population resides in Clark County, and approximately 23.5 percent resides in northern Nevada (i.e., Reno/Carson City area).

### **1.5.2 Proponent History**

Nevada Power Company (NPC) and Sierra Pacific Power Company (SPPC) merged in 1999 and changed their names to NV Energy in 2008. NV Energy's combined service areas cover approximately 54,000 square miles with more than 2 million customers throughout Nevada and in northeastern California.

NV Energy's southern service area encompasses nearly 4,000 square miles and serves more than 770,000 electricity customers in Las Vegas, North Las Vegas, Henderson, and other communities and homes in Clark and Nye Counties. NV Energy's northern service area encompasses more than 50,000 square miles in western, central, and northeastern Nevada and northeastern California and serves approximately 300,000 customers.

NV Energy's northern and southern electric transmission systems are not electrically connected at the present time, which is one important reason for the ON Line Project.

### **1.5.3 Regulatory Requirements**

NV Energy is regulated by the PUCN and the Federal Energy Regulatory Commission (FERC), among others. Nevada adopted its first comprehensive statutory least-cost utility planning process in 1983. This is now referred to as the Integrated Resource Planning Process. This planning process requires all Nevada retail electric distribution utilities under the jurisdiction of the PUCN to file an Integrated Resource Plan (IRP) every three years detailing their future 20-year resource acquisition strategy to meet customer growth. The IRP is based on forecasts of customer load requirements, and is required by statute to include plans to meet load growth.

In 2006, NV Energy developed its IRP to optimize energy supply using a portfolio approach (diversity of fuel supply, renewables, and conservation), which sought to balance electricity costs, supply, reliability, fuel, short-term and long-term power market volatility, and environmental acceptability.

In the 2006 IRP, NV Energy proposed:

- The EEC Project.
- An aggressive conservation program.
- Commitments to promote renewable energy development.
- Investments in transmission infrastructure to connect its northern and southern electrical systems and bring new, renewable energy resources to market.

In June 2006, NPC filed its IRP for 2007-2026, followed by SPPC's July submittal of the 13<sup>th</sup> Amendment to its 2005-2024 IRP (Docket Nos. 06-06051 and 06-07010). The IRP filings reflected the electrical needs of the two service territories for the next 15 years. The PUCN subsequently consolidated the filings and issued an Order in November 2006 (a Revised Order was issued January 2007), which approved NV Energy's request to proceed with the development of Phase 1 of the EEC Project, including the facilities proposed now as the ON Line Project. The PUCN focused its Order on:

- NV Energy's large and growing "open position" (the difference between available power supply and customer demand plus reserve) at a time of impending capacity shortages.
- NV Energy's aging fleet of coal-fueled plants.

- The need to upgrade and modernize NV Energy's resource portfolio by adding company-owned or -controlled baseload capacity.
- Diversification of the resource mix to provide a hedge against natural gas price volatility.
- The cost consequences associated with a delay in the development of coal-fueled generation, expected to be between \$200 and \$300 million per year.
- The lack of PUCN control over independent power producers' generation development.

Specifically the PUCN Order acknowledges the following:

*The [ON Line Project] intertie will promote reliability, promote diversity of supply resources, and assist with the development of renewable resources. In addition, the intertie will aid in the development of renewable energy resources by allowing electricity generated by non-solar renewable resources in northern Nevada to be delivered to southern Nevada and electricity generated by solar resources in southern Nevada to be delivered to northern Nevada. Further, the intertie will allow for the development of wind resources in eastern Nevada to both northern and southern Nevada. Therefore, the intertie will assist [NV Energy] to meet its statutory obligations by providing renewable energy developers with a pathway to market (PUCN 2007, p.58).*

A 2009 IRP was filed with the PUCN on February 1, 2010; the PUCN ruled on the 2009 IRP on July 30, 2010 (PUCN 2010). This ruling included the PUCN's approval for NV Energy to proceed with the ON Line Project under either the Self-Build Option or the Joint Project with Great Basin Transmission LLC (see **Section 1.5.7**).

#### **1.5.4 Nevada Renewable Energy Transmission Access Advisory Committee (Nevada RETAAC)**

In 2007, Governor Jim Gibbons issued an Executive Order forming the Nevada Renewable Energy Transmission Access Advisory Committee (RETAAC) and tasking the committee with evaluating potential renewable energy resource locations in Nevada, assessing existing and planned transmission access to these resources, and making recommendations for additional transmission lines. As a result of the Nevada RETAAC studies, numerous renewable energy zones have been identified in Nevada (NRETAAC 2009). These zones include 8 wind zones, 5 geothermal zones, 3 biomass zones, and 3 solar zones (**Appendix 1A**). The solar zones are generally located in the southern portion of the state, while wind zones are scattered throughout the state. Geothermal resources occur in the northern and central portion of the state. The biomass zones are generally located near Reno, Ely, and south of Ely. The minimum voltage for effective transmission of renewable energy is 230 kV. Of the 19 renewable energy zones, 9 (2 solar, 3 wind, 2 geothermal, 2 biomass) are located in eastern Nevada and would be in proximity to the ON Line Project and could potentially interconnect with the grid via the proposed transmission line.

#### **1.5.5 Growth in Forecasted Demand**

The need for additional generating and transmission resources in Nevada is well supported and recognized by state and local leaders.

The combined growth rate of NV Energy's energy demand translates to approximately 250 to 300 MW of additional capacity required each year resulting in greater electricity demands per capita than most other regions. Meeting load growth is a requirement of regulated utilities under

Nevada State law (NRS 704). Transmission of electricity produced by potential new generating capacity located throughout NV Energy's system is integral to meeting the anticipated growth in demand and the requirement for renewable energy generation.

### 1.5.6 NV Energy's Objectives for the ON Line Project

NV Energy is a regulated utility. As such, NV Energy's objectives below are in direct response to the directives provided by the PUCN in the Revised Order (PUCN Revised Order, pages 55-58) described in **Section 1.5.3**. Specifically, the objectives of NV Energy's Proposed Action are to:

- **Connect NV Energy's southern and northern electric systems for the first time to improve system reliability and flexibility.** This transmission line intertie would allow the company to share energy resources, be more efficient, and better support each system during power emergencies. The joint dispatch (i.e., two systems sending electricity into the interconnected grid) opportunities that would be created by a direct transmission interconnection would reduce the cost of incorporating intermittent resources in the southern and northern systems. A direct transmission interconnection would provide direct operational savings through load diversity, as the coincident peaks of the two systems together would be less than the sum of the coincident peaks of two separate systems. Further, by providing a direct transmission interconnection between the southern and northern systems, each would be able to support the other during outages and other events, improving the reliability of both systems.
- **Provide better access to the state's renewable energy resources.** There are numerous wind energy and geothermal renewable projects in various stages of planning or development in northern and eastern Nevada. A critical part of developing these renewable resources is providing the electric transmission infrastructure to move the power from the sources to the customers. The high-voltage transmission line being proposed would provide capacity for renewable energy and interconnect and transmit power from these remote locations to major load centers in Las Vegas and Reno. Nevada's Renewable Portfolio Standard mandates that electric providers furnish not less than 25 percent of the total amount of electricity generated, acquired, or saved from portfolio energy systems or efficiency measures to their retail customers by 2025 (Nevada Assembly Bill 358 Section 13.5, 2009). The ability for renewable generation facilities to more easily tie into the existing transmission system is critical to meeting this standard.

### 1.5.7 Designated Utility Corridor and ROW Authorization

Segments of two designated federal utility corridors exist in the project area: segments 110-233, 232-233, and 37-232 of the West-Wide Energy Corridor (WWEC) and the southern portion of the SWIP Utility Corridor. These corridor designations address the same utility corridor footprint within which the proposed project is sited. The SWIP Utility Corridor studies were initiated in the early 1990s as part of the SWIP Transmission Line Project (BLM 1993). The SWIP Utility Corridor was designated in the Ely District Record of Decision and Approved Resource Management Plan (BLM 2008a) and the Record of Decision for the Approved Las Vegas Resource Management Plan (BLM 1998a). The WWEC was designated in January 2009 by a Record of Decision designating some 5,000 miles of energy corridors on BLM lands. The WWEC Programmatic EIS (PEIS) (BLM 2009b) examined the impacts of corridor designation in 11 western states; 3,500-foot-wide utility corridors were studied in many areas. The WWEC

designated in 2009 adopted the SWIP Utility Corridor route through eastern Nevada. Within the project area, the utility corridor widths vary from 2,640 to 3,500 feet.

The SWIP-South Transmission Line Project, also known as the Great Basin Transmission Line, is part of an authorized ROW (NVN-49781) for a 500 kV transmission line approximately 495 miles in length that was granted in 1994 after a Record of Decision and Approved Land Use Plan Amendment (ROD/LUPA) were issued by the BLM (BLM 1994). Two minor ROW amendments to the SWIP-South Transmission Line Project were approved in 2008 (BLM 2007d, 2008b), but otherwise the SWIP-South alignment follows and was the basis of the studies for defining the SWIP Utility Corridor. Further, approximately 90 miles of the SWIP Utility Corridor contains an existing Lincoln County and NV Energy 69 kV line. At this time, the SWIP-South ROW is the only approved major (>230 kV) transmission line ROW within the SWIP Utility Corridor. Idaho Power originally secured the permitted SWIP Transmission Line ROW, and then sold its rights to White Pine Energy Associates, who created the Great Basin Transmission LLC (GBT) and transferred the ROW to this entity. This ROW is approximately 1,600 feet east of the proposed ON Line Project. The SWIP-South will be referred to as the GBT Line to avoid confusion in the FEIS with the SWIP Utility Corridor. The GBT Line has yet to be constructed.

On December 30, 2009, NV Energy and GBT executed a Memorandum of Understanding to jointly develop (i.e., construct, operate, maintain) and own the 500 kV transmission line facilities utilizing GBT's existing SWIP ROW authorization (Joint Project). On February 1, 2010, NV Energy filed its 2009 IRP with the PUCN requesting approval of one of two alternative plans for interconnecting its southern and northern electrical systems. The Joint Project represents NV Energy's preferred plan, but it is still subject to the completion of definitive agreements between the parties and FERC approvals. On July 30, 2010, the PUCN approved for NV Energy to pursue the ON Line Project either as the Joint Project, contingent upon agreements and approvals, or the Self-Build Option (PUCN 2010). Due to the uncertainty of completing the agreements and acquiring the necessary regulatory approvals, NV Energy continues with its request for a ROW authorization to construct the ON Line Project facilities (Self-Build Project). Thus, the BLM is continuing with the completion of this FEIS to analyze the environmental impacts of NV Energy's Self-Build Project described herein as the ON Line Project.

## **1.6 About This Document**

This document follows regulations promulgated by the CEQ for implementing the procedural provisions of the NEPA (40 CFR 1500-1508); the BLM NEPA Handbook, H-1790-1; the Ely District Office Environmental Analysis Guidebook; Sections 201 and 202 of the FLPMA, and regulations at 43 CFR Part 1600. This FEIS describes the components of and reasonable alternatives to the Proposed Action, and environmental consequences of this action and the alternatives.

The FEIS is divided into several chapters for ease of reading and to better organize information for decision-making.

*Chapter 1* provides general background, the purpose of and need for the Proposed Action; roles of the BLM and cooperating agencies; decisions to be made and authorities regulating the process of analysis and disclosure; a summary of public participation in the EIS process; and key issues to be addressed.

*Chapter 2* presents a reasonable range of alternatives to address the stated need and purpose for the project, including the Proposed Action, No Action, and a transmission line alternative to

the Proposed Action; discusses alternatives not carried forward for detailed analysis; lists potential mitigation actions to reduce or minimize impacts; and discusses the agency-preferred alternative.

*Chapter 3* describes the affected human environment in the project area.

*Chapter 4* discloses potential direct and indirect environmental effects associated with the Proposed Action and other alternatives and discusses potential mitigation measures.

*Chapter 5* describes the cumulative effects associated with the Proposed Action and other alternatives.

*Chapter 6* lists state and federal agencies and other governmental bodies that were consulted or contributed to the preparation of the FEIS; describes Native American consultations; describes public participation during scoping; lists agencies, organizations, and persons to whom the FEIS will be or has been sent; and provides the names and qualifications of those who prepared this document.

*Chapter 7* includes comment letters received from the public and agencies after the release of the DSEIS and agency responses to the comments contained in those letters.

*Chapter 8* provides the bibliography of existing information that was used to prepare the FEIS and an index to the document.

*Appendices* contain information that supplement or support analyses in the body of the FEIS.

## **1.7 Plans, Policies, and Programs**

### **1.7.1 Relationship to BLM Plans, Policies, and Programs**

This FEIS complies with the CEQ regulations for implementation of NEPA (40 CFR 1500-1508), Department of the Interior's Implementation of NEPA Regulations at 43 CFR Part 46, and BLM's NEPA Handbook (H-1790-1).

The proposed project area crosses two BLM Districts administered by the Ely and Southern Nevada District Offices. Each has its own land use management plan that must be followed, and any project elements that would occur on those lands must conform to the respective plans. Resources in Clark County and the southern portion of Nye County fall under the purview of the Las Vegas Resource Management Plan that was approved in 1998. The resources in White Pine, Lincoln, and a portion of Nye County fall under the purview of the Ely District Resource Management Plan dated August 20, 2008.

The Proposed Action would be in conformance with the land use plans' terms and conditions as required by 43 CFR 1610.5-3.

### **1.7.2 Relationship to Non-BLM Plans, Policies, and Programs**

The Proposed Action would be consistent with other federal, state, and local agency plans, policies, and programs by incorporating data and management objectives and adopting mitigation strategies where appropriate. Following is a partial list of state and local plans and programs that have been reviewed and/or consulted:

- Nevada Natural Heritage Program
- Nevada Department of Wildlife - Big Game Status and Quota Recommendations
- Governor's Sage Grouse Conservation Management Plan

- Nevada Recreation Management Strategy and Implementation Plan
- Statewide Comprehensive Outdoor Recreation Plan
- White Pine County Land Use Plan
- White Pine County Elk Plan
- Lincoln County Land Use Plan
- Southeast Lincoln County Multiple Species Habitat Conservation Plan
- Nye County Land Use Plan
- Clark County Land Use Plan
- Clark County Multiple Species Habitat Conservation Plan
- Eureka County Land Use Plan

## 1.8 Applicable Laws and Regulations

Table 1.8-1 lists federal and state laws and regulations potentially applicable to the Proposed Action and Action Alternative.

**TABLE 1.8-1 LAWS AND REGULATIONS THAT MAY BE APPLICABLE TO THE ON LINE PROJECT**

LAWS AND REGULATIONS	CITATION
<b>FEDERAL</b>	
New and Amended Federal Right-of-Way Grants/Short-term Use Permits	FLPMA 1976 (PL 94-579) 43 USC 1761-1771 and 43 CFR Part 2800
National Environmental Policy Act (NEPA)	42 USC 4321 et seq.
Council on Environmental Quality (CEQ) general regulations implementing NEPA	40 CFR Parts 1500-1508
Department of the Interior's (DOI) implementing procedures and proposed revisions	65 FR 52212-52241
Bureau of Land Management's (BLM) NEPA Handbook H-1790-1 (2008)	
National Historic Preservation Act (NHPA) and regulations implementing NHPA	16 USC 470 et seq.; 36 CFR Part 800
Antiquities Act of 1906	16 USC 431 et seq.
Archeological Resources Protection Act, as amended (ARPA)	16 USC 470aa et seq.
Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)	25 USC 3001-30013 et seq.
Clean Air Act (CAA)	42 USC 7401 et seq.
Clean Water Act (CWA)	33 USC 1251 et seq.
Endangered Species Act (ESA)	16 USC 1531 et seq.
Noise Control Act of 1972, as amended (NCA)	42 USC 4901 et seq.
Occupational Safety and Health Act (OSHA)	29 USC 651 et seq.
Pollution Prevention Act of 1990 (PPA)	42 USC 13101 et seq.
Safe Drinking Water Act of 1974 (SDWA)	42 USC 300f et seq.
Migratory Bird Treaty Act	16 USC 703-711

LAWS AND REGULATIONS	CITATION
American Indian Religious Freedom Act of 1978	42 USC 1996
Federal Land Policy and Management Act of 1976 (FLPMA)	43 USC 1701 et seq.
Lacey Act as amended	18 USC 42
Nuisance Prevention and Control Act of 1990 as amended	16 USC 4701 et seq.
Federal Noxious Weed Act of 1974 as amended by the Food, Agriculture, Conservation and Trade Act of 1990, Section 1453 "Management of Undesirable Plants on Federal Lands"	7 USC 2801 et seq.
Federal Plant Pest Act	7 USC 150aa et seq.
Carlson-Foley Act of 1968	Public Law 90-583
Safe, Accountable, Flexible, Efficient Transportation Equity Act	Public Law 109-59
Noxious Weed Control and Eradication Act	Public Law 108-412
NEPA, Protection and Enhancement of Environmental Quality	Executive Order 11512
National Historic Preservation	Executive Order 11593
Floodplain Management	Executive Order 11988
Protection of Wetlands	Executive Order 11990
Federal Compliance with Pollution Control Standards	Executive Order 12088
Environmental Justice	Executive Order 12898
Indian Sacred Sites	Executive Order 13007
Consultation and Coordination with Indian Tribal Governments	Executive Order 13084 Executive Order 13175
Invasive Species	Executive Order 13112
Migratory Birds	Executive Order 13186
Memorandum on Government-to-Government Relations with Native American Tribal Governments of 1994 (May 4, 1994)	59 FR 22951
Departmental Responsibilities for Indian Trust Resources	512 DM 2.1
American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act (June 5, 1997)	Secretarial Order 3206
BLM Land Use Permits and Leases	43 CFR Part 2920
BLM Right-of-way Regulations	43 CFR Part 2800, 43 CFR Part 2920
Resource Conservation and Recovery Act (RCRA)	42 USC 6901
National Contingency Plan	40 CFR Part 300
<b>STATE OF NEVADA</b>	
Nevada Critically Endangered Flora Law	NRS 5.27-5.33
Utility Environmental Protection Act	NRS 704.820-704.900
Control of Noxious Weeds	NAC 555.010

## 1.9 Permits, Licenses, and Other Requirements

**Table 1.9-1** lists federal, state, and county permits, licenses, and other approvals that NV Energy may need to implement the Proposed Action or Action Alternative.

**TABLE 1.9-1 PERMITS AND LICENSES THAT MAY BE APPLICABLE TO THE ON LINE PROJECT**

ACTION REQUIRING A PERMIT, REVIEW, OR APPROVAL	PERMIT/ APPROVAL	ACCEPTING AUTHORITY/APPROVING AGENCY	CITATION
<b>FEDERAL</b>			
All project elements or disturbance on BLM administered lands	Right-of-Way Grant	BLM	43 CFR Part 2800
Right-of-Way Grant	EIS Record of Decision	BLM	40 CFR Part 1500-et.seq.
Right-of-Way Grant	NHPA, Section 106 review and concurrence	BLM Nevada State Historic Preservation Office	36 CFR Part 800 16 USC 470 et seq.
Right-of-Way Grant	ESA, Section 7 consultation and concurrence	BLM U.S. Fish and Wildlife Service Nevada Department of Wildlife	50 CFR Part 17 16 USC 1536
Construction of transmission line structures if the structure is more than 200 feet in height	No Hazard Determination	Federal Aviation Administration	49 USC 1501 14 CFR Part 77
Storage of petroleum	Spill Prevention Control and Countermeasure	U.S. Environmental Protection Agency	40 CFR Part 112
Dredge or fill activities in Waters of the United States	CWA, Section 404 Permit	U.S. Army Corps of Engineers	33 USC 1344
<b>STATE OF NEVADA</b>			
Surface disturbing activities	Section 106 Determination of Effect Concurrence	State Historic Preservation Office	16 USC 470 et seq. NRS 383
Electrical Facilities construction	Utility Environmental Protection Act – Permit to Construct	Public Utilities Commission of Nevada	NRS 704.870-704.900 NAC 703.415-703.427
Surface disturbing activities	Rare and Endangered Plant Permit	Nevada Division of Forestry	NRS 527.260-527.300
Surface disturbing activities	Native Cacti and Yucca Commercial Salvaging and Transportation Permit	Nevada Division of Forestry	NRS 527.050-527.110
Surface disturbing activities	Incidental Take Permit	Nevada Department of Wildlife	NRS 503.584-503.589

<b>ACTION REQUIRING A PERMIT, REVIEW, OR APPROVAL</b>	<b>PERMIT/ APPROVAL</b>	<b>ACCEPTING AUTHORITY/APPROVING AGENCY</b>	<b>CITATION</b>
Construction of proposed facilities	Construction Permit	Nevada Division of Environmental Protection, Bureau of Air Pollution Control	NAC 445B 42 USC 7401
Facilities construction	CWA, Section 402 National Pollutant Discharge Elimination System (NPDES) Notification for Stormwater Management during Construction	Nevada Division of Environmental Protection	33 USC 1251 et seq.
Surface disturbing activities	Surface Area Disturbance Permit	Nevada Division of Environmental Protection	NRS 519A.180 (for small sites) NAC 445B
Construction of access road to a U.S. Highway and crossing of a U.S. Highway with a transmission line	Right-of-way Occupancy Permit	Nevada Department of Transportation	NRS 408.423, 408.210 NAC 408
Transportation of Hazardous Materials	Uniform Permit	Nevada Department of Public Safety	NAC 459.979
Surface disturbing activities	Dust Control Permit	Nevada Department of Environmental Quality	NAC 445B
<b>LOCAL/COUNTY</b>			
Construction and operation in Clark County	Special Use Permit	Clark County Board of Commissioners	Clark County Zoning Ordinance
Construction/fugitive dust – PM <sub>10</sub> in Clark County	Dust Control Permit	Clark County Department of Air Quality Management	Amendments NRS 321.001 40 CFR Subpart C 42 USC 7408-7409
Construction and operation in Lincoln County	Special Use Permit	Lincoln County Board of Commissioners	Lincoln County Zoning Ordinance
Construction and operation in Nye County	Special Use Permit	Nye County Board of Commissioners	Nye County Zoning Ordinance
Construction and operation in White Pine County	Special Use Permit or Zoning Change	White Pine County Board of Commissioners City of Ely	White Pine County Code, Title 17
Construction in White Pine County	Building Permit	White Pine County	White Pine County Code

## 1.10 Summary of Public Scoping and Issue Identification

### 1.10.1 Public Scoping and Issues

The issues evaluated in this FEIS are derived from public comments originally made during the EEC Project scoping period and summarized in the EEC EIS Scoping Summary issued in April 2007 (BLM-JBR 2007). In that document, the comments received during scoping from agencies and the public were summarized into categories, which became the basis for defining issues and indicators. The defined issues are presented here in categories that are customarily used in impact analysis, along with the section of the FEIS that addresses that particular issue. During the public comment period for the EEC DEIS, NV Energy changed the Proposed Action from the EEC Project to a reduced subset of that project - proposed now as the ON Line Project. The comments received on the EEC DEIS were reviewed to identify comments pertinent to this ON Line Project FEIS and those comments have been reviewed as additional scoping input during development of this FEIS. In addition, a Notice of Intent (NOI) to prepare a Supplemental EIS for the ON Line Project was published in the Federal Register on July 29, 2009 (Vol. 74, No. 144, Pg. 37728). Although no additional public scoping meetings were held for the ON Line Project, the public comments received during the 30-day scoping period, initiated by the NOI, were also fully reviewed and considered and are included, as applicable, in the issues identified below. The issues presented here are those related to the construction, operation, and maintenance of the electrical and communication facilities as described in **Section 1.4**.

Additional information on the scoping process is provided in **Section 6.1**.

### 1.10.2 Issues Raised During Scoping

#### Air Resources

- Construction and operation of the project may increase air borne pollutants and negatively affect human health, local economies, wildlife, and special status species. (**Section 4.6**)
- Construction of the project may impact regional air quality in the Great Basin. (**Section 4.6**)
- Construction, operation, and maintenance of the project may contribute to greenhouse gas emissions. (**Section 4.6**)

#### Cultural Resources

- Cultural resource sites, historic properties, historic buildings, and heritage values may be impacted (directly and/or indirectly) in the project area. (**Section 4.10**)

#### Cumulative Effects

- The cumulative impacts of the project need to be disclosed. (**Chapter 5**)

#### Environmental Justice

- Environmental justice considerations need to be addressed in the EIS. (**Section 4.18**)

#### Geology

- The project may affect locatable and saleable mineral deposits and operations, and oil & gas and geothermal leases. (**Section 4.3**)

## **Hazardous Materials and Solid Wastes**

- Construction of the project may release hazardous compounds into the air, water, and soil that may affect human and environmental health. (**Sections 4.6 and 4.19**)

## **Land Use and Access**

- The project could negatively impact the limited amount of private property available in the area. (**Section 4.12**)
- The project may change the rural character of the area and the traditional and historic land use patterns. (**Section 4.12**)
- Additional roads/access created by the project may increase recreational access and risk of fire and weed invasion. (**Sections 4.7, 4.12, and 4.14**)
- Transmission towers and electromagnetic emissions may pose a hazard to low flying military aircraft in the Low Altitude Tactical Navigation Area. (**Sections 2.2.2, 4.12.4, and 4.20**)

## **Native American Concerns**

- Construction and operation of the project may impact Native American Tribes in the area. (**Section 4.11**)
- The project may impact Indian Trust Assets. (**Section 4.11**)
- The project may impact Native American sites, use areas, and associated resources. (**Section 4.11**)

## **Noise**

- Construction may cause noise impacts on surrounding areas. (**Section 4.16**)

## **Paleontology**

- No issues were identified in the public scoping process regarding paleontology. However, potential impacts to paleontological resources are addressed in **Section 4.4**.

## **Public Health and Safety**

- Air pollution may cause health problems for people in surrounding communities and distant locations. (**Section 4.6**)
- Project components greater than 150 feet in height may present aviation hazards. (**Section 2.2.2**)

## **Range Resources**

- The project may cause health and safety impacts to livestock. (**Section 4.9**)
- Grazing allotments may be degraded and will be fragmented by project construction activities. (**Section 4.9**)

## **Recreation**

- The area may be less desirable for outdoor recreation and tourism. (**Section 4.14**)
- Short-term residents, such as construction workers, may have little concern or value for public lands and sensitive areas. (**Section 4.14**)

### **Socioeconomic Resources**

- The project may impact socioeconomic conditions of local communities. (**Section 4.17**)
- The project may cause a utility rate increase. (**Section 4.17**)
- Integrating the northern and southern power systems may have negative impacts on the northern system and its users. (**Section 4.17**)

### **Soils**

- The project may increase soil erosion. (**Section 4.5**)

### **Special Designations and Sensitive Areas**

- The ecological integrity, scenic quality, and pristine characteristics of nearby wildernesses, national parks, national forests, national wildlife refuges, wildlife management areas, and areas of critical environmental concern may be negatively affected by the project. (**Section 4.13**)

### **Special Status Species**

- The project may negatively affect the life cycle and habitat of species identified by state or federal agencies as threatened, endangered, or sensitive. (**Sections 4.7 and 4.8**)
- The project may increase predation on special status species by raptors and ravens. (**Section 4.8**)

### **Transportation**

- Increased traffic increases wear and tear on roads which may need more maintenance, upgrades, and improvements. (**Section 4.20**)
- The project could create hazardous conditions for local air traffic. (**Section 4.20**)

### **Vegetation**

- Surface disturbance and air pollution from the project may negatively affect wetland, riparian, and upland vegetation communities. (**Section 4.7**)
- Surface disturbance and ongoing operation/maintenance activities would increase the spread of invasive and non-native plants. (**Section 4.7**)

### **Visual and Aesthetic Resources**

- The project may impact the existing visual quality of the area. (**Section 4.15**)

### **Water Resources**

- The project may negatively impact water quality. (**Section 4.2**)
- The project may impact Waters of the U.S. (**Section 4.2**)

### **Wild Horses and Burros**

- The project may negatively affect Wild Horse/Burro populations. (**Section 4.9**)

## **Wildlife Resources**

- The construction and operation of the project may directly or indirectly impact wildlife through direct disturbance, habitat fragmentation, or air pollution. (**Section 4.8**)
- The construction and operation of the project may impact game species and wildlife populations and indirectly affect hunting, fishing, and wildlife watching activities. (**Section 4.8**)
- The construction and operation of the project may impact migratory birds. (**Section 4.8**)