

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

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**Decision Record - Memorandum**

**NVN-089424 Copper Mountain Land Development, LLC**

**PREPARING OFFICE**

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# **Chapter 1. Copper Mountain Land Development, LLC**

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## 1.1. Compliance

The proposed Copper Mountain Land Development, LLC transmission line ROW is in conformance with the following laws, regulations, policies, and other plans

- Las Vegas Resource Management Plan, signed October 5, 1998.
- National Environmental Policy Act (NEPA) of 1969, as amended (Public Law 91-190, 42 United States Code [USC] 4321 et seq.);
- 40 CFR 1500 et seq.: Regulations for Implementing the Procedural Provisions of NEPA;
- BLM NEPA Handbook (H-1790-1) (BLM 2008a);
- Federal Land Policy and Management Act , as amended, Sections 103(c) and 501(a)(4);
- National Historic Preservation Act, as amended (16 USC 40 et seq.)
- Boulder City Master Plan (Boulder City 2003); and
- Clark County Multiple Species Habitat Conservation Plan (Clark County 2000);

## 1.2. Selected Action

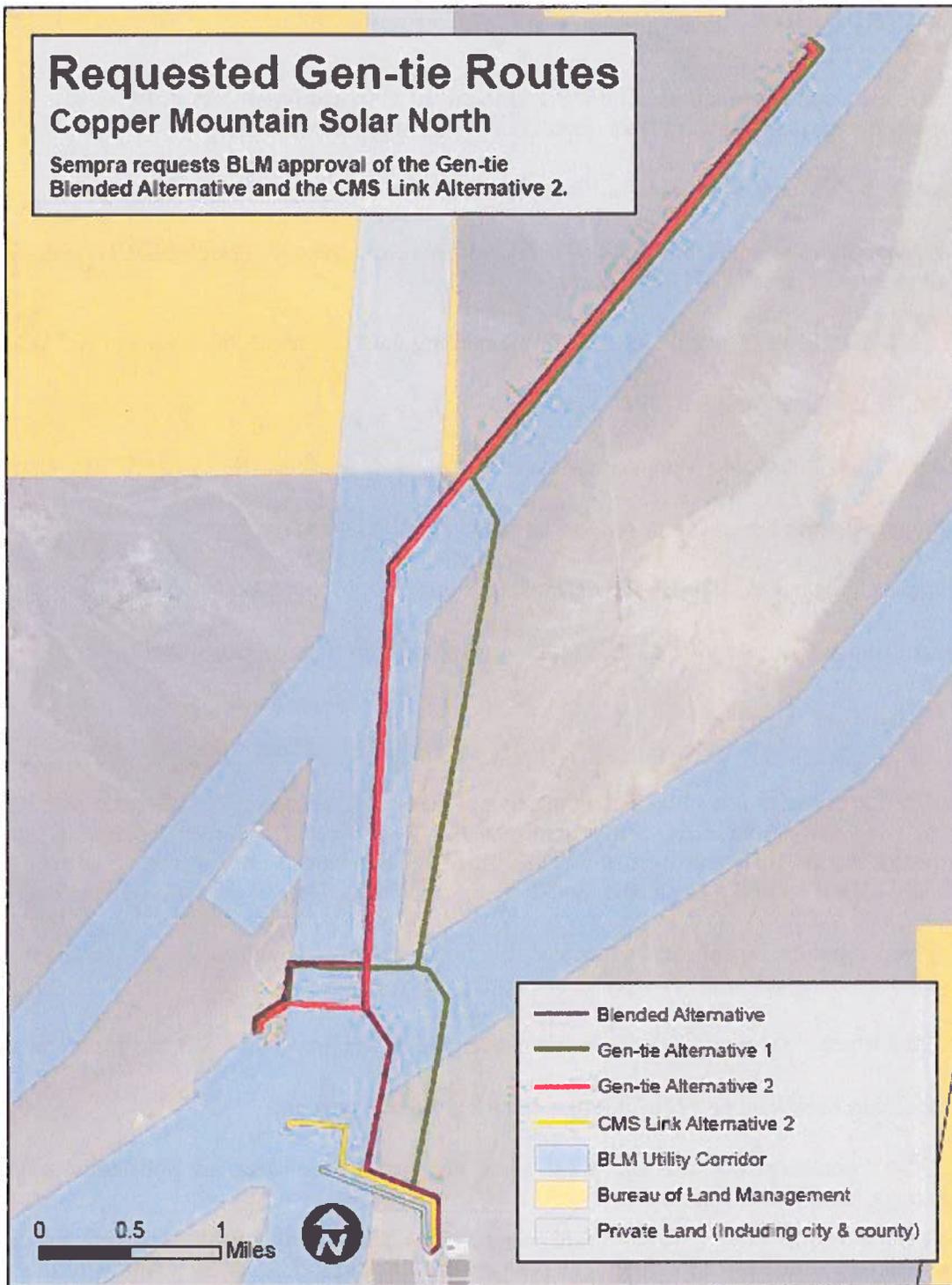
The selected action is to use a blended alternative of Gen-tie Alternative 1 and Gen-tie Alternative 2 and the CMS Link Alternative 2 identified in Figure 2-1, page 12 of the environmental assessment (EA) DOI-BLM-NV-S010-2011-0148-EA . The blended alternative, while not specifically identified in the EA meets the NEPA criteria for analysis of the proposed action.

The selected action is the approval of the construction, operation, maintenance, and termination of two 230kV transmission lines within the existing BLM utility corridor:

- A 230-kV gen-tie power line to deliver electricity from the proposed CMS North project to the existing Merchant and McCullough electrical substations; and
- A 230-kV gen-tie power line (the “CMS Link”) connecting the Merchant Substation to the existing Eldorado Substation

The permanent right of way (ROW) would be within the BLM utility corridor and be 7.6 miles long by 120 feet wide (110.58 acres). The permanent ROW would be for 30 years, with the right to renew.

The selected action also includes a requested temporary ROW for construction purposes of the same line that would be within the BLM utility corridor and would be 7.6 miles long by 250 feet wide (230.30 acres). The temporary ROW would be for two years, with the option to renew for construction purposes.



The EA resulted in several best management practices (BMP) and mitigation measures being identified to protect specific resources and are incorporated by reference in this document. The BMP's and mitigation measures will be incorporated into the ROW grant as part of the BLM

standard stipulations. The ROW grant will include a Notice to Proceed (NTP) requirement for the following resources:

- Final Plan of Development;
- Advance rental payment and monitoring fees
- Proof of bond; and
- Proof of tortoise fee payment.

### **1.3. Compliance with NEPA:**

The proposed transmission line ROW for Copper Mountain Solar III LLC, was analyzed under NEPA document DOI-BLM-NV-S010-2011-0148-EA as an environmental assessment and found to have no findings of significant impacts, thus an EIS is not required.

### **1.4. Public Involvement:**

The proposed transmission line ROW for Copper Mountain Solar III LLC, was analyzed under NEPA document DOI-BLM-NV-S010-2011-0148-EA. The project was submitted for public comment via the BLM National NEPA Register Page web site at [https://www.blm.gov/epl-front-office/eplanning/nepa/nepa\\_register.do](https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do). The project was open for public comment from December 9, 2011 thru December 30, 2011. No comments were received from the public on the environmental assessment.

The BLM also sent out adjacent ROW holder notice letters to determine if the proposed ROW had any impacts to existing ROW's in the region. The BLM received numerous comments, which were submitted to Copper Mountain Solar III LLC for response and mitigation. Comments were received from the following adjacent ROW holders and are generalized below:

- Southwest Gas Corporation
  - Comment: Placement of the transmission line does not impact the ROW boundary of their existing ROW.
  - Response: Sempra sent Southwest Gas Corporation a copy of the BLM master title plats showing the blended route alternative. Southwest Gas Corporation responded by letter on December 21, 2011 affirming that since no appurtenances will be installed or placed within the three ROW grants, Southwest Gas Corporation has no objections to Sempra's distribution lines crossing over the existing Southwest Gas Corporation gas lines.
- Colorado River Commission
  - Comment: Requested engineering information on the proposed ROW to determine the potential impact.
  - Response: The ROW holder is doing a formal study based on the engineering information sent by Sempra. The resultant adjacent ROW holder mitigation will be folded into the final Plan of Development (POD) to be approved by the BLM as part of the Notice to Proceed.
- Clark County Department of Aviation

- Comment: Reviewed proposed ROW and determined that this action does not impact the proposed Southern Nevada Supplemental Airport.
- Response: No further action required.
- Dine Power Authority
  - Comment: Requested engineering information on the proposed ROW to determine the potential impact.
  - Response: The ROW holder is doing a formal study based on the engineering information sent by Sempra. The resultant adjacent ROW holder mitigation will be folded into the final Plan of Development (POD) to be approved by the BLM as part of the Notice to Proceed.
- Southern California Edison
  - Comment: Requested engineering information on the proposed ROW to determine the potential impact.
  - Response: The ROW holder is doing a formal study based on the engineering information sent by Sempra. The resultant adjacent ROW holder mitigation will be folded into the final Plan of Development (POD) to be approved by the BLM as part of the Notice to Proceed.

## **1.5. Rationale:**

The blended alternative meets the purpose and need described in the environmental assessment DOI-BLM-NV-S010-2011-0148-EA. The blended alternative of the proposed action is consistent with management objectives of the Energy Policy Act of 2005 (Title II, Section 211), which establishes a goal for the Secretary of the Interior to approve 10,000 megawatts (MW) of electricity from non-hydropower renewable energy projects located on public lands. This proposed action would also further the purpose of Secretarial Order 3285A1 (March 11, 2009) that establishes the development of environmentally responsible renewable energy as a priority for the Department of the Interior.

The blended alternative is composed of the Gen-Tie Proposed Action and the Gen-Tie Alternative 2 entirely. All portions of the blended alternative have been analyzed with this EA, and thus is within the range of possible alternatives associated with this NEPA document. The proposed action meets the BLM's national goals and objective for renewable energy development as well as the Las Vegas Resource Management Plan decision for rights-of-way development. The blended alternative is consistent with the Boulder City Master Plan for renewable energy development.

## **1.6. Appeal or Protest Opportunities:**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being

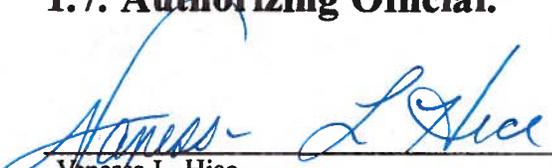
reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent 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.

#### **1.7. Authorizing Official:**

  
\_\_\_\_\_  
Vanessa L. Hice  
Assistant Field Manager,  
Division of Lands  
Las Vegas Field Office

  
\_\_\_\_\_  
Date

#### **1.8. Contact Person**

For additional information concerning this Finding, contact.

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