Finding of No Significant Impact
Techren Solar, LLC

230kV Gen-Tie Transmission Line and Access Road

DOI-BLM-NV-S010–2012–0146–EA

Based on the analysis of potential environmental impacts, I have reviewed Environmental Assessment (EA) DOI-BLM-NV-S010–2012–0146–EA, dated February 15, 2013. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action identified in the EA and the mitigation measures described below will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required.

The Bureau of Land Management (BLM) prepared an Environmental Assessment (EA) (DOI-BLM-NV-S010-2012-0146-EA) that analyzed the effects of development of a transmission line to facilitate power from the proposed Techren Boulder City Solar facility to the grid. The EA considered a range of development alternatives, including the following:

- Alternative 1 - proposed a 230 kV transmission line from the proposed solar facility to the Eldorado Substation and McCullough Switching Station;
- Alternative 2 – proposed a 500 kV transmission line from the proposed solar facility to Marketplace Substation; and
- No Action Alternative

Additionally, the EA analyzed the impacts of the solar facility as a non-connected federal action for each resource area.

I have reviewed the proposed action and determined that it is conformance with the approved Las Vegas Resources Management Plan (LVRMP) and Record of Decision, signed October 5, 1998. The proposed action is consistent with applicable plans and policies of county, state, tribal and Federal agencies. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context:

The lands proposed for the Techren Boulder City Solar Transmission Line Project are parts of an existing Bureau of Land Management (BLM) Utility Corridor. The existing utility corridor is identified in the LVRMP and the proposed use is consistent with the LVRMP plan. The proposed action and alternative would not have any effect on the local environment as the proposed action is consistent with existing uses in the area.

Intensity:

1. Impacts that may be both beneficial and adverse.

The proposed right-of-way (ROW) is being built inside an existing utility corridor identified in the LVRMP; therefore, the proposed project is consistent with the BLM strategy for Rights-of-Way Management. No adverse impacts would occur to the existing resources with the approval of this proposed transmission line ROW. All impacts that have been identified in the EA have been

mitigated by the proponent at the BLM's request through the application of best management practices and standard ROW stipulations.

The primary beneficial impact is a small reduction in anthropogenic greenhouse gases that would otherwise been generated by fossil-fuel electricity generation. This reduction is a fraction of a percent of the total anthropogenic output and is not significant. Additionally, the local economy would benefit from additional employment opportunities and increases in tax revenues.

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

The majority of the potential impacts to health and safety would occur during the construction and decommissioning phases of the project. No permanent impacts to public health and safety were identified in the EA associated with the approval of the proposed ROW. Temporary impacts to air quality resources and noise associated with construction activities were identified in the EA. During the construction period, mitigation measures, best management practices, and standard ROW stipulations will minimize these affects.

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

The proposed transmission line ROW is not near any park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. No historic or cultural resources would be impacted during the construction of the proposed transmission line ROW.

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

No controversies were identified by the public or the scientific community associated with the project or the EA as to the nature of the effect on the resources identified.

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

No known risks or unknown risks on the human environment exist that are highly uncertain or unique or involve unknown risks associated with the construction of the proposed transmission line ROW. The proposed project is not located near any residential areas or designed campgrounds.

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

The proposed action does not establish a precedent for future actions or represent a decision in principle for future consideration. The proposed transmission line ROW is located in a designated utility corridor; therefore, consistent with BLM ROW management goals.

7. Whether the action is related to other actions with individually insignificant but cumulative significant impacts:

The construction of the proposed transmission line ROW has a non-federal connected action with Techren LLC's proposal to construct and operate an up to 300MW solar energy generating facility to be located on approximately 2,200 acres of land owned by the City of Boulder City and leased to the applicant.

The solar energy facility is located within the City of Boulder City's Solar Energy Zone in the Eldorado Valley. The City of Boulder City has leased several areas for development and solar energy development.

It is reasonably foreseeable that similar connected actions project will occur in the immediate future, in which there will be energy project development on the private land by the City of Boulder City. Subsequent requests for development of transmission line access through the existing BLM utility corridor have occurred and may occur in the future.

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

No sites eligible for listing on the NRHP were identified. Construction of the proposed transmission line ROW would have no effects on districts, sites, highways, structures, or significant scientific, cultural, or historical resources.

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

Mojave Desert Tortoise (*Gopherus agassizii*) was the only species listed under the ESA, as amended (16 U.S.C. 1531 *et seq.*) occurring in the project ROW. This species is currently classified as threatened under the ESA. A Biological Opinion (BO) for the action was signed December 28, 2012. The resultant incidental take and minimization measures for desert tortoise outlined in the BO is exclusive for BLM-managed lands; any potential take of the species that may occur on the private lands associated with the action would defer to Clark County's existing Section 10 permit.

10. Whether the action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment.The proposed project does not violate Federal, state, or local law or requirements imposed for the protection of the environment. The proposed project and the EA were prepared in accordance with the following statutes and implementing regulations, policies, and procedures:

- National Environmental Policy Act (NEPA) of 1969, as amended (Public Law 91-190, 42 U.S.C. 4321 et seq.);
- 40 CFR 1500 et seq.: Regulations for Implementing the Procedural Provisions of NEPA;
- 43 CFR Subpart 2800, Use; Rights-of-Way
- 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)
- Clark County Multiple Species Habitat Conservation Plan (Clark County 2000); and

- Las Vegas Resource Management Plan (RMP) and Final Environmental Impact Statement (BLM 1998).

Mitigation Measures:

1. Since the major source threshold emission rate is 70 tons per year, the project will be considered a major stationary emission source and would be subject to Prevention of Significant Deterioration (PSD) or New Source Review (NSR) permitting requirements under the Clean Air Act (CAA). Emission sources used to construct and operate the proposed Project will exceed major source thresholds. Prior to site construction it will be necessary for the developer to meet with Clark County Department of Air Quality (DAQ) and obtain the necessary air emission permits.

   Construction activities that disturb soils and emit or have the potential to emit particulate matter must obtain a Dust Control Permit from the DAQ. As part of the Dust Control Permit, the applicant must also submit a Dust Mitigation Plan. This Enhanced Dust Mitigation Plan will specify the control measures that would be implemented during construction to reduce fugitive dust and minimize impacts to ambient air quality. Dust control measures would include; watering the disturbed soil areas and unpaved roads during construction, applying dust suppressants (on private property) during routine operations, applying soil stabilizers or crushed aggregate for wind erosion control, installing a construction entrance with track-out control devices, and stabilizing disturbed land surfaces with pavement, re-vegetation, or suppressants (on private property) directly after construction is completed in each area.

2. Before the start of construction, the construction contractor will obtain a dust control permit from the DAQ as required (Clark County DAQ 2003). Techren would also develop an Enhanced Fugitive Dust Plan with mitigation measures to reduce the potential for fugitive dust. In addition to the BMPs listed in Appendix B, potential mitigation measures may include, but are not limited to, the following: watering the site, applying soil stabilizers, installing a construction entrance with track-out control devices, and the stabilization of disturbed surfaces, after construction is completed.

   Should biological soil crusts be detected during pre-construction surveys, appropriate measures would be taken to minimize disturbance of soil crusts. Suggested measures include: (1)-maintain the optimum amount of live vegetation, litter and biological crust relative to the site in order to maintain the content of organic matter, (2)-defer disturbance during periods when biological crusts are more susceptible to physical disturbance when soil is very wet, (3)-control the establishment and spread of invasive plants that can increase the risk of wildfire which may impact biological soil crusts. Should desert pavement be detected during pre-construction surveys, appropriate measures would be taken to minimize disturbance of desert pavement. Suggested measures might include limiting surface disturbance in desert pavement areas, replacement of desert pavement with similar gravel-sized layer over exposed underlying fine-grained soils or other BMPs.

3. No excavations greater than 30 feet in depth are planned during construction. Because the depth to static groundwater in the Project area is approximately 315 feet, no mitigation measures are necessary.

   During construction, a sanitary service will be contracted to provide and maintain portable toilets on the solar facility site. With BMPs in place both during construction and operation, potential impacts from the sanitary discharges would be non-significant (Appendix B).

4. BMPs will reduce construction impacts on vegetation and wildlife habitat (Appendix B). No additional mitigation is proposed.

5. As some flexibility exists in the placement of transmission line poles, cactus will be avoided to the extent possible. To further reduce impacts to cacti, cacti will be salvaged as described in the BMPs (Appendix B).

6. BMPs will reduce construction impacts on vegetation and wildlife habitat (Appendix B).

7. On June 11, 2012, the BLM had submitted a Biological Assessment to the USFWS as part of consultation under Section 7 of the ESA. The USFWS issued a Biological Opinion (BO) for the project on December 28, 2012 (Appendix E). Section 7 (a)(2) of the Act requires Federal agencies ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of listed species. After reviewing the effects of the proposed project and cumulative effects, the USFWS determined that the proposed project is not likely to jeopardize the continued existence of the species. Mitigation measures outlined in the BO will be implemented as part of the project to avoid, or reduce environmental impacts associated with the proposed action to Federal or state protected species. Mitigation measures and actions are to comply with the USFWS guidelines, the Clark County Multi-Species Habitat Conservation (MSHCP), and Nevada Department of Wildlife (NDOW) standards.

   Associated development on private lands (i.e. those owned by the City of Boulder City) would utilize the existing Clark County MSHCP Section 10 permit for potential take of desert tortoise and limit disturbance to desert tortoise habitat to the minimum extent possible.

8. The mitigation measures for the construction minimization measures are identified in the BO. For a complete description, refer to the BO in Appendix E of the Environmental Assessment.

9. Because the proposed transmission lines would not impact other land uses within the BLM-managed utility corridor no mitigation measures are necessary.

10. Noise generated from construction and operation of the transmission line would not be audible at the nearest sensitive receptor; therefore, no mitigation is required.

11. A solid and hazardous waste management plan will be prepared and implemented for both construction and operation of the proposed project and connected action. Included in the solid and hazardous waste management plans will be stipulations and procedures regarding compliance with Federal, state, and local regulations for waste minimization, storage, and disposal. The construction contractor shall prepare BMPs that describe the methods for working with hazardous materials during construction. Construction contractor will prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan that describes methods for working with hazardous materials during construction, measures for avoiding spills, and mitigation measures if a spill were to occur.

Signatures:

Recommended by:

Brenda Wilhight February 15, 2013
Realty Specialist

Approved by:

Vanessa L. Hice
Assistant Field Manager,
Division of Lands