

**Bureau of Land Management  
Winnemucca District Office  
Categorical Exclusion**

[  ] HRFO (1000)                      [  ] BRFO (3000)                      [  ] District (       )

<b>CX#: DOI-BLM-NV-W010-2012-0007-CX</b>	<b>Date: 11/30/2011</b>
File Code (43 CFR) : 43 CFR 2800	Lease / Case File / Serial #: N-19632
Project Lead Preliminary Review: Julie McKinnon Is the project located within a SG 75% BBDA (Sage Grouse 75% Bird Breeding Density Area)? No	

1. BLM District Office: Winnemucca District Office
2. Name of Project Lead: Julie McKinnon
3. Project Title: Harney Electric ROW Renewal
4. Applicant: Harney Electric Co.
5. Project Description: (briefly describe who, what, when, where, why, how)

Harney Electric Company has a right-of-way for a 115kV aerial transmission line (75 feet wide), a 14.4/24.9kV distribution line (25 feet wide), and three substations (Bottle Creek, Quinn River and Sleeper Mine (209' x 209')) and access road(20 feet wide) that are existing across public lands that are up for renewal. All of these projects are authorized under ROW N-19632. No new surface disturbance or addition rights are being conveyed beyond the scope of this right-of-way renewal.

Project dimensions (length, width, height, depth): 38.26 miles x 75'(w) Bottle Creek sub. 400' x 400', Quinn River sub. 400'x400', Sleeper Mine sub. 209'x209' Acreage: 337.01

Will the project result in new surface disturbance? Yes  No

Has the project area been previously disturbed? Yes  No  N/A . If yes, what percent of the project area has been disturbed? 100% . If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

6. Legal Description:        See Attached

USGS 24k Quad name: Gallagher Flat, Sod House, Bottle Creek Slough, Bottle Hill, Bottle Creek Ranch, Mustang Spring, Quinn River Crossing  
100k map name: Osgood Mtns., Jackson Mtns., Denio  
Land Status: BLM  Private  Other \_\_\_\_\_

**Part I: Plan Conformance Review**

The proposed Action is subject to the:

- Paradise-Denio Management Framework Plan
- Sonoma-Gerlach Management Framework Plan
- Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

*(The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM Manual 1617.3).*

**Part II: NEPA Review**

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (*formerly 516 DM2 Appendix 1*) (Define Exclusion – see lists available at: [S:\NEPA\\_2010\NEPA Templates 2010\CX\CX Lists\ DOI CXs](S:\NEPA_2010\NEPA Templates 2010\CX\CX Lists\ DOI CXs))

516 DM11.9, (BLM) E. Realty #9: Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations. (Define Exclusion - see lists available at: [S:\NEPA\\_2010\NEPA Templates 2010\CX\CX Lists\ BLM CXs](S:\NEPA_2010\NEPA Templates 2010\CX\CX Lists\ BLM CXs))

**ESA and BLM Sensitive Status Species**

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	X
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	X	<input type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input type="checkbox"/>	X

**Table 1. Special Status Species that may occur in the project area:**

ESA	BLM	Common ( <i>Scientific</i> ) Name	May Be Affected?	Mitigation for BLM Sensitive Species (Attach ESA Section 7 Compliance to Form)
<input type="checkbox"/>	X	Pygmy rabbit ( <i>Brachylagus idahoensis</i> )	<input type="checkbox"/> Yes X No	No new disturbance planned.
<input type="checkbox"/>	X	Golden eagle ( <i>Aquila chrysaetos</i> )	X Yes <input type="checkbox"/> No	Use standard stipulations requiring compliance with APLIC standards for avian protection on power lines (Avian Protection Plan Guidelines, 2005, and Suggested Practices for Avian Protection: State of the Art 2006).
<input type="checkbox"/>	X	Northern goshawk ( <i>Accipiter gentilis</i> )	X Yes	See Golden eagle stipulation.

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			<input type="checkbox"/> No	
<input type="checkbox"/>	X	Ferruginous hawk ( <i>Buteo regalis</i> )	X Yes <input type="checkbox"/> No	See Golden eagle stipulation.
<input type="checkbox"/>	X	Swainson's hawk ( <i>Buteo swainsoni</i> )	X Yes <input type="checkbox"/> No	See Golden eagle stipulation.
<input type="checkbox"/>	X	Peregrine Falcon ( <i>Falco peregrinus</i> )	X Yes <input type="checkbox"/> No	See Golden eagle stipulation.
<input type="checkbox"/>	X	Western burrowing owl ( <i>Athene cunicularia hypugaea</i> )	<input type="checkbox"/> Yes X No	No new disturbance planned.
<input type="checkbox"/>	X	Loggerhead shrike ( <i>Lanius ludovicianus</i> )	<input type="checkbox"/> Yes X No	No new disturbance planned.
<input type="checkbox"/>	X	Sage thrasher ( <i>Oreoscoptes montanus</i> )	<input type="checkbox"/> Yes X No	No new disturbance planned.
<input type="checkbox"/>	X	Brewer's sparrow ( <i>Spizella breweri</i> )	<input type="checkbox"/> Yes X No	No new disturbance planned.

**Table 2 Migratory Bird Treaty Act Consideration**

Potential MBTA Species w/in the Project Area Common ( <i>Scientific</i> ) Name	May Be Affected?	Proposed Mitigation
	<input type="checkbox"/> Yes X No	No new surface disturbance planned.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

*Mitigation Measures/Remarks: (if there are any applicable mitigation measures, including any standard stipulations, conditions of approval, terms of conditions, etc. that would be attached to the permit, state "See Attached" and attach a copy to the CX.)*

**Part III: DECISION:** I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified above.

Remarks reserved for authorized officer:

Authorized Official \s\ Michael Truden Date: 1-23-12  
(Signature)

Administrative Review or Appeal Opportunities

See 43 CFR 4.401(a) Part 4 for general rules relating to procedures and practice involving appeals.

Legal Description  
Harney Electric Co  
N-19632

T. 42 N., R. 32 E.,  
sec. 2, SWSW;  
sec. 3, lot 3, W2NE, SENE, N2SE, SESE;  
sec. 11, SWNE, N2NW, SENW, N2SE, SESE;  
sec. 12, SWSW;  
sec. 13, W2NW, SENW, NESW, W2SE, SESE;  
sec. 14, NENE;  
sec. 24, NENE.

T. 43 N., R. 32 E.,  
Sec. 18, SESE;  
Sec. 20, W2NW, SENW;  
Sec. 28, SWNW, N2SW, SESW, SWSE;  
Sec. 33, NE, NESE;  
Sec. 34, W2SW, SESW.

T. 40 N., R. 33 E.,  
Sec. 3, lot 2, SWNE, W2SE.

T. 41 N., R. 33 E.,  
Sec. 3, W2W2;  
Sec. 10, W2W2;  
Sec. 15, W2NW, SENW, N2SW, SESW;  
Sec. 22, E2W2;  
Sec. 27, W2E2, E2NW;  
Sec. 34, W2E2, SESE;  
Sec. 35, S2S2;  
Sec. 36, S2S2.

T. 42 N., R. 33 E.,  
Sec. 19, lots 2, 3, E2SW;  
Sec. 29, SWNW, N2SW, SESW, S2SE;  
Sec. 30, N2NE, SENE;  
Sec. 32, NENE;  
Sec. 33, W2NW, SENW, NESW, NWSE, SESE;  
Sec. 34, SWSW.

T. 41, R. 34 E.,  
Sec. 31, S2S2;  
Sec. 32, S2S2;  
Sec. 33, S2S2;

Sec. 34, S2S2;  
Sec. 35, S2S2;  
Sec. 36, S2S2.

T. 41 N., R. 35 E.,  
Sec. 31, lot 4, SESW, S2SE;  
Sec. 32, S2S2;  
Sec. 33, S2S2;  
Sec. 34, S2S2;  
Sec. 35, S2S2;  
Sec. 36, S2S2.

T. 41 N., R. 36 E.,  
Sec. 31, lot 4, SESW, S2SE;  
Sec. 32, S2S2;  
Sec. 33, S2S2;  
Sec. 34, S2S2;  
Sec. 35, S2S2.