

DECISION RECORD
GRASS VALLEY 120KV TRANSMISSION RIGHTS-OF-WAY PROJECT
ENVIRONMENTAL ASSESSMENT
DOI-BLM-NV-W010-2012-0024-EA

Introduction

The Bureau of Land Management (BLM), Winnemucca District (WD), Humboldt River Field Office (HRFO) received and accepted a right-of-way (ROW) application and plan of development for construction of a new 120kV transmission line and associated structures, a 25kV underbuild, improvement and maintenance of access roads, and expansion of the existing Grass Valley substation. The project will be located on public lands in Township 35 North, Range 38 East (T. 35 N., R. 38 E.), section 6, in the Mount Diablo Base and Meridian, approximately 1.5 – 2 miles south on Grass Valley Road, in Humboldt County, Nevada. The interconnection between the new 120kV transmission line and the existing 120kV transmission line will occur on private land. Total surface disturbance is 19.4 acres of public lands.

Land Use Plan Conformance

The proposed action is consistent with Sonoma-Gerlach Management Framework Plan (MFP), approved July 9, 1982 objectives

- L.4: To provide lands for rights-of-way on or across public lands.

The proposed action is consistent with the plans and policies of neighboring local, county, state, tribal, and federal governments to the greatest extent possible. Under the proposed action, no federal, state, or local law, or requirement imposed for the protection of the environment will be threatened or violated.

Decision

Based on the Grass Valley 120kV Transmission Line ROW Project Environmental Assessment (EA), DOI-BLM-NV-W010-2012-0024-EA, and the attached Finding of No Significant Impact (FONSI) it is my decision to select the proposed action alternative for implementation, subject to all environmental protection measures identified in the EA and any additional standard terms and conditions under 43 Code of Federal Regulations (CFR) 2800, attached hereto for reference.

The proposed action includes the following features:

- 15 new single wood pole structures to be used for the transmission line
- A typical tap structure (on private land)
- An existing road to be used for construction and maintenance of the transmission line. The road will be improved and maintained during construction activities and as needed.
- A 30' x 30' extension of the existing Grass Valley substation

The following survey stipulations are required by the BLM prior to any surface disturbing activities during the identified time frame:

Nesting surveys for migratory birds would be conducted by a qualified biologist for any surface disturbing activities occurring between March 1 and August 31. Nesting bird surveys would be

conducted no less than three days and no more than ten days prior to initiation of surface disturbance and results reported to the BLM biologist before proceeding with surface disturbance.

During burrowing owl nesting season (March 1 to August 31), a burrowing owl survey following the Winnemucca BLM's survey protocol would be conducted prior to surface disturbance in the areas identified as potential burrowing owl habitat within the Project Area. A burrowing owl survey would be conducted no less than three, and no more than ten days prior to initiation of surface disturbance and results reported to the BLM biologist before proceeding with surface disturbance.

Public Involvement

In June 2009 NV Energy held an open house to discuss their proposed project with members of the local community, in which only two members of the public attended.

In the July 18-21, 2008, edition of the local Humboldt Sun newspaper reported that representatives of NV Energy went in front of the County Commissioners to discuss their proposed project. It was reported, that after deliberation, the commissioners unanimously approved the project proposal.

Preliminary EA

The initial open house held by NV Energy was considered a form of scoping. On May 25, 2012 the Preliminary EA was posted to the Winnemucca external website and a dear interested public letter was sent to potentially interested parties notifying them of Preliminary EA and the 30 day public comment period. A few interested members of the public stopped by the office or called to verify the project would not be impacting their private property. No written comments were received.

Native American Consultation

On August 23, 2011, letters providing information relating to the Proposed Action were sent to the Winnemucca Indian Colony, Battle Mountain Band Council and the Fort McDermitt Paiute and Shoshone Tribes. To date, no traditional cultural properties or Executive Order (EO) 13007 sites have been identified within the Project Area that might be impacted by the Proposed Action or alternatives.

Rationale

My decision is based on the attached FONSI, the proposed action, which includes the environmental protection measures (provided in section 2.1.11 of the EA) and any standard terms and conditions applied to the grant. Additionally, the proposed action will not result in any unnecessary or undue environmental degradation of public lands and is consistent with federal, state and local laws, regulations and plans.

Based on the President's nation Energy Policy and Executive Order 13212, the proposed action will not generate any adverse impacts or limit energy production and distribution. Therefore, no "Statement of Adverse Energy Impact" is required.

The authority for this decision is contained in the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701) and 43 CFR 2800 and BLM Manual 2800.

Appeal

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Michael Truden, Field Manager, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

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, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 (attached) provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §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 appeal is filed during the grace period provided in §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.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must 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.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At conclusion of any document that party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).



Michael Truden
Field Manager
Humboldt River Field Office

7-18-12
Date

Attachments:
EA
FONSI
Terms and Conditions
Form 1842-1