

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

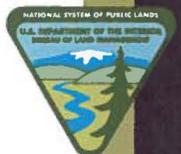
**Decision Record - Memorandum
DOI-BLM-NV-S010-2012-0146-EA**

March 5, 2013

**Tehren Solar, LLC Aerial Transmission Line and Un-paved Graded Access Road
N-90395 and N-90395/01**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, NV
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Techren Solar, LLC

Compliance

The proposed project is in conformance with the following plans and laws:

- 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;
- 43 CFR subpart 2800, Use; Rights-of-Way
- BLM NEPA Handbook (H-1790-1) dated, January 30, 2008;
- FLPMA, as amended, Sections 103(c) and 501(a)(4);
- 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).

Selected Action

It is my decision to implement the proposed action with the mitigation measures identified in DOI-BLM-NV-S010-2012-0146 EA and all other stipulations as shown in the proposed ROW grant documents. The proposed action is for the BLM to authorize Techren's right-of-way application to construct, operate, maintain and terminate a 230kV aerial transmission line and an un-paved graded access road on public lands. The ROW will tie into private lands owned by the City of Boulder City, which would be considered a connected action (see EA Section 2.1.1, Non-federal connected action). Construction of the solar facility is dependent upon the BLM's approval of the aerial transmission lines because electricity generated at the solar facility would not reach the power grid without utilizing the BLM RMP designated utility corridors for nearly all of the possible aerial transmission line routes. Because the connected action can be prevented by the BLM decision, the effects of the connected action are properly considered indirect effects of the Proposed Action, and as such are analyzed as effects of the Proposed Action (40 CFR 1508.7 and 1508.25[c]).

Public Involvement:

The proposed project was reviewed and scoped by the BLM resource specialists in the Las Vegas Field Office, and the Renewable Energy staff between August 3, 2011 to February 13, 2013. The Environmental Assessment (EA) was made available for public comment period of September 17, 2012 through October 25, 2012 on the BLM's Southern Nevada District web site and interested parties were notified of the opportunity to comment. The BLM received seven (7) comments during the scoping period. Three (3) comments did not identify any issues; One (1) comment was addressed in the NEPA document; Three (3) comments will be converted into stipulations to address their issues with the Environmental Analysis or FONSI for the project. All comments were considered in making this decision on the Techren Solar, LLC project.

Rationale:

1. The proposed action is consistent with promoting the use for rights-of-way in common considering engineering and technological compatibility, national security, and land use plans (43 CFR 2801.2(c)).
2. The proposed action supports coordination with state and local governments, interested individual(s) and appropriate quasi-governmental entities (43 CFR 2801.2(d)).
3. The recommendation to authorize right-of-way grants on Federal lands meet the stated objective RW-1 and RW-1-h in the RMP, approved October 5, 1998.

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.

Authorizing Official:



Vanessa L. Hice
Assistant Field Manager, Division of Lands

acting for

Contact Person

For additional information concerning this Finding, contact.

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