

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

**Environmental Assessment
DOI-BLM-NV-S010-2013-0088-EA**

N-91860 & N-43727

Right-of-Way

for an Access Road and monitoring well site

APPLICANT

Nevada Power Company d/b/a NV Energy

LOCATION

**Northern Clark County north of I-15, Southwest of Moapa Nevada located near
the Reid Gardner Generating Station.**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Las Vegas Field Office
4701 N Torrey Pines
Las Vegas, Nevada 89130
702-515-5000



Environmental Assessment

Right-of-Way for an Access Road and Monitoring Well Site on Public Lands

Identifying Information:

DOI-BLM-NV-S010-2013-0088-EA

Title, EA Number, and Type of project:

Title: Right-of-Way for an Access Road and monitoring well site on Public Lands.

EA Number: DOI-BLM-NV-S010-2013-0088-EA

Type: Right-of-Way

Location of Proposed Action:

Located Northeast of the Las Vegas Valley, North of I-15 and Southwest of Moapa, Nevada. Access Road and Monitoring well site for NV Energy's Reid Gardner Generating Station.

LEGAL DESCRIPTION:

Mount Diablo Meridian, Nevada, T. 15 S., R. 66 E., section 5,

NW¹/₄SW¹/₄SW¹/₄NW¹/₄

Name and Location of Preparing Office:

Department of the Interior
Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines
Las Vegas, NV 89130

Office Number: LLNVS00560

Identify the subject function code, lease, serial, or case file number:

Casefile Number: N-43727 (Monitoring Well Site) and N-91860 (Access Road) - Nevada Power Company d/b/a NV Energy.

Applicant Name:

Nevada Power Company d/b/a NV Energy (Casefile N-43727 & 91860)

Purpose and Need for Action:

Description: The NV Energy Reid Gardner Station (Station) is a coal-fired electric power generation facility that produces a total of approximately 600 megawatts (MW) of power from four generating units. As a result of Station operations, groundwater and soil contamination has occurred. NV Energy entered into an Administrative Order on consent (AOC) with the Nevada Division of Environmental Protection (NDEP) on February 22, 2008, to investigate and remediate site contamination. The AOC required NV Energy to establish background conditions for soil and groundwater at the Station. NV Energy currently has a BLM authorization (N-43727) for an Access Road and Monitoring well site for NV Energy's groundwater and soil monitoring purposes.

NV Energy is requesting to increase the size of the well site from 6 ft. by 6 ft. to 50 ft. by 75 ft. to allow for future operations and maintenance. The access road that leads to the well site is existing and will remain unchanged; however, it has been assigned new casefile number N-91860. The right-of-way is necessary to provide adequate operation and maintenance activities at the site.

Scoping, Public Involvement and Issues:

Located Northeast of the Las Vegas Valley, North of I-15 and southwest of Moapa, Nevada. The Road provides access to the monitoring well site. as required in agreement between NV Energy and the Nevada Division of Environmental Protection.

The access road provides access to the monitoring well sites as required by agreement between NV Energy and the Nevada Division of Environmental Protection.

Stipulations will be attached to the right-of-way grant which will include conservation and protection of the natural resources, cultural resources, Threatened and Endangered (T&E) Species, and the environment.

This proposal has been reviewed by Bureau of Land Management (BLM) resource team members. Their comments and evaluations are included in this environmental assessment.

A summary of this EA is available for review by the public on the internet on the DOI.GOV website under NEPA number: DOI-BLM-NV-S010-2013-0088-EA.

Proposed Action and Alternatives

Description of the Proposed Action — Alternative Number 1:

Description: Nevada Power company d/b/a NV Energy applied for a right-of-way ROW over public lands for an access road and monitoring well site. The access road is an existing graded road that provides access to the Monitoring well site. The road ROW is 10 feet wide, 500 feet in length and approximately 0.01 acres. The road is existing with no changes requested. The well site is currently 6' by 6' and the ROW being requested for the well site is 75 ft. by 50 ft. and approximately 0.086 acres. The total ROW being requested is 0.097 acres; however, only 0.085 acres would be new disturbance.

Because the need for the roadway and well site is ongoing, the request is for a ROW for 30 years.

Description of Other Alternatives Analyzed in Detail:

NO ACTION ALTERNATIVE NUMBER 2:

Under a “no action” alternative, BLM land would not be made available for issuance of the right-of-way. No action would result in NV Energy being unable to perform proper maintenance activities to their facility.

Alternatives Considered but not Analyzed in Detail:

ALTERNATE NUMBER 3:

No other alternatives were considered.

Conformance

The proposed action is in conformance with the Las Vegas Resource Management Plan (RMP) decisions RW-1, and RW-1-h, approved October 5, 1998.

- RW-1 — “Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings, communications, flood control, major utility transmission lines, and related facilities.”
- RW-1-h— “All public land within the planning area, except as stated in RW-1-c through RW-1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy Management Act.”

Rights-of-ways are allowable on BLM-administered lands per Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations (43 CFR 2800), at the discretion of the Secretary of the Interior or his/her delegated officer.

Affected Environment:

SUPPLEMENTAL AUTHORITIES

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Quality		X		Ensure a dust control permit is obtained through Dept. of Air Quality (DAQ) for all soil disturbing activity of .25 acres or greater, in the aggregate, and permit stipulations are in compliance for the duration of the activity.
Area of Critical Environmental Concern (ACEC)	X			The proposed project area is not within an ACEC or any critical desert habitat.
Cultural/Historical	X			The consulting firm SWCA conducted a Class III cultural resources inventory of the area of potential effect (APE). No historic properties were located with the APE. Widening of the right-of-way to the well will have no effect to historic properties. no further evaluation is required unless the scope of the undertaking changes.
Paleontological Resources	X			No fossil-bearing strata will be impacted by the undertaking as proposed.
Environmental Justice	X			No minority or low income group would not be disproportionately impacted by health or environmental effects from this project.
Farmlands Prime or Unique	X			There are no prime or unique farmland designations in the District.
Noxious Weeds/Invasive Non-native Species		X		The proposed action will disturb approximately 0.085 acres of undisturbed land. Surface disturbance has the potential to spread or introduce invasive and noxious weeds. However, due to the minimal amount of new disturbance, a Weed Management Plan will not be required. Standard Weed BMP's and any stipulations outlined in the original authorizations remain in effect. If a weed infestation begins or spreads on site, it must be reported to the SNDO Weed Management specialist immediately upon discovery. If necessary, the proponent will coordinate with the BLM to ensure treatment of noxious weed infestations within the ROW's or access roads.
Native American Religious Concerns	X			According to the legals provided, the well is located on the parcel targeted for a modified competitive sale to NV Energy. Consultation has been initiated on the land sale.
Floodplains		X		The proposed action includes minimal surface disturbance and there should be no impacts to the floodplains nor should there be any impact to downstream flooding.
Riparian/Wetlands	X			While close, there are no wetlands/riparian zones present in the actual project area.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Threatened, Endangered or Candidate Plant Species	X			Not present.
Threatened, Endangered or Candidate Animal Species.			X	<p>The above action has a may affect determination for the threatened desert tortoise (<i>Gopherus agassizii</i>). This project will have no effect on any other federally listed species or designated critical habitat</p> <p>This project will create 0.085 acres of new surface disturbance in an area that is highly disturbed; therefore remuneration fees are not required. Vegetation within ROW (except large trees) should be cleared and graded instead of crushed and trampled as described in the POD, this will eliminate cover for tortoise within the project footprint; therefore, reducing the potential for take resulting from being crushed if not noticed or avoided.</p> <p>Terms and conditions and minimization measures in the above Biological Opinion contain measures to reduce potential impacts, including take, to desert tortoise. A copy of the terms and conditions has been uploaded to ePlanning. (Sec 7 Log # NV-052-13-123). This notice will serve as the Section 7 Determination and no additional paperwork will be provided.</p>
Migratory Birds			X	<p>The proposed ROW in being requested to accommodate vehicle access, parking, turn around and pump test equipment during testing, sampling and operation and maintenance. As proposed, there will be 0.085 acres of new disturbance which as described in the provided Plan of Development will leave vegetation in place to be crushed and trampled during use instead of being cleared or graded. Vegetation left in place may still be utilized by migratory bird species forage, nesting and cover which increase possible impacts to birds, their nests and nestlings. <u>With the exception of any large trees within the site (photos show what may be a mesquite tree either within the proposed ROW or directly adjacent), site should be cleared of vegetation to reduce the likelihood of wildlife being within the project site and possibly being injured or killed being crushed.</u></p> <p>EA language is provided below including minimization measures which the proponent is required to comply with.</p>

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Waste - Hazardous/Solid	X			No hazmat issues present. Include standard hazmat stipulations in ROW grant.
Water Quality		X		The proposed action will not cause any major changes in the runoff characteristics of the site and will not use local water resources.
Wild & Scenic Rivers		X		Proposed action would not impact the eligible Muddy River which is nearby.
Wilderness (Study Area)	X			The proposed action is not located within or adjacent to designated Wilderness, or WSAs/ISAs.
Rangeland Health Standards	X			The proposed action includes only minimal surface disturbance; therefore there will be no impacts to rangeland health.
Woodland/Forestry		X		Only minimal surface disturbance will occur and vehicle access is limited to existing roads and disturbed areas, Cactus and yucca may be present within the project area. Cactus and Yucca are considered government property and are regulated under the Nevada BLM forestry program. To the extent practical, cacti and yucca within the project area should be avoided. Due to the minimal amount of disturbance associated with this project, impacts would be considered negligible.
Human Health and Safety		X		No issues. Have proponent follow best management practices and health and safety regulations for construction.

Other resources of the human environment that have been considered for this environmental assessment (EA) are listed in the table below. Elements that may be affected are further described in the EA. Rationale for those elements that would not be affected by the proposed action and alternative is listed in the table below.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Grazing Management	X			The proposed action area is not located in any authorized grazing allotments.
Green House Gas Emissions (Climate Change)		X		Currently there are no emission limits for suspected Greenhouse Gas (GHG) emissions, and no technically defensible methodology for predicting potential climate changes from GHG emissions. However, there are, and will continue to be, several efforts to address GHG emissions from federal activities, including BLM authorized uses.
Minerals		X		No Issues with the project.
Socio-Economic Values		X		This project will not disproportionately impact social or economic values.
Soils/Hydrology		X		The proposed action will not involve major ground disturbing activities and, therefore will not affect local soil resources. Project location and size will not impact hydrologic conditions of the area.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Vegetation		X		There are no known occurrences of BLM sensitive plant species within the project area. Vehicle access is limited to existing roads and disturbed areas. Due to the minimal amount of disturbance, if BLM sensitive plant species are present, potential impacts would be negligible.
Visual Resources		X		This project will not negatively affect the visual characteristics of the area.
Recreation	X			Not present.
Fish and Wildlife excluding Federally Listed Species		X		<p>Wildlife species in the general area include small mammals, rodents, birds and reptiles. Additionally, the BLM sensitive species western burrowing owl, Mojave shovel-nosed snake, Mojave Desert sidewinder may be present in the general area.</p> <p>The proposed ROW is being requested to accommodate vehicle access, parking, turn around and pump test equipment during testing, sampling and operation and maintenance. As proposed there will be 0.085 acres of new disturbance which as described in the provided Plan of Development will leave vegetation in place to be crushed and trampled during use instead of being cleared or graded. Vegetation left in place may still be utilized by wildlife species, especially birds and reptiles for forage, nesting and cover which increase possible impacts to wildlife. With the exception of any large trees (photos show what may be a mesquite tree either within the proposed ROW or directly adjacent), site should be cleared of vegetation to reduce the likelihood of wildlife being within the project site and possibly being injured or killed being crushed.</p> <p>The primary direct impacts of the proposed action on wildlife would be killing or maiming of ground dwelling animals and less mobile species (such as reptiles) during construction, displacement of individuals, the loss and fragmentation of habitat and increased potential for harassments of wildlife. Additional impacts associated with the mortality from vehicular traffic may also be realized upon the completion of construction and subsequent use of the project area if wildlife wanders into the area of activity and are not noticed.</p> <p>Wildlife species in the general area are common and widely distributed throughout the area and the loss of some individuals and/or their habitat would have a negligible impact</p>

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				on populations of the species throughout the region. Impacts to BLM Sensitive Species are not anticipated to lead to further decline of the species range wide as there is no new surface disturbance.

Migratory Birds:

Under the Migratory Bird Treaty Act of 1918 (MBTA) and subsequent amendments (16 U.S.C. 7033–711), it is unlawful to take, kill, or possess migratory birds. Numerous bird species travel through Nevada during spring and fall migrations. A list of the protected bird species can be found in 50 C.F.R. § 10.13. The list of birds protected under this regulation is extensive and the project site has potential to support many of these species, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*). Typically, the breeding season is when these species are most sensitive to disturbance, which generally occurs from March 1st through August 31st.

Threatened & Endangered or Candidate Animal Species:

Threatened and endangered species are placed on a federal list by the U. S. Fish and Wildlife Service (USFWS) and receive protection under the Endangered Species Act of 1973 (ESA), as amended. The only T&E species known to occur in the vicinity of the project area is the threatened desert tortoise (*Gopherus agassizii*).

In the Mojave region, the desert tortoise occurs primarily on flats and bajadas with soils ranging from sand to sandy-gravel characterized by scattered shrubs and abundant inter-shrub space for herbaceous plant growth. They are also found on rocky terrain and slopes.

Historical survey data indicates that the area surrounding the project site is low density desert tortoise habitat. Provided photos of the project footprint show it is highly disturbed, containing some small shrubs and trees which may provide cover for tortoise if they wander into the area.

Environmental Effects:

Migratory Birds:

Migratory birds, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*), may be present on the project site. Depending on the time of year for construction, there is the potential to disturb nesting birds within or immediately adjacent to the proposed action. The proponent will be required to adhere to the following mitigation measures:

1) To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 1st - August 31st.

2) If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

Threatened, Endangered, or Candidate Animal Species:

This project will create 0.085 acres of new surface disturbance in an area that is highly disturbed and it is adjacent to undisturbed, contiguous habitat wherein potential corridors for tortoise entry exist. Since tortoises have been found in the vicinity and undisturbed habitat exists in and adjacent to the project site, there is potential for tortoises to wander into the project area. If not noticed and avoided during construction, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way).

Section 7 Consultation for this project is covered under the Programmatic Biological Opinion (84320-2010-F-0365) contingent on compliance with the attached terms and conditions. Minimization measures in the above Biological Opinion contain measures to reduce potential impacts to desert tortoise, including the following:

If maintenance activity utilizing a grader or any other heavy equipment on the access road is to occur, it will require a desert tortoise monitor to escort and clear in front of the equipment if carried out from March through November when desert tortoise are most active per Terms and Conditions provided. This project will also require a monitor, FCR or other approved by the BLM to present an education program (see Term and Condition 1.e) to all workers accessing the site.

CUMULATIVE IMPACTS:

The proposed action is a right-of-way for an access road and monitoring well site for an existing power generation station over public land. The Road ROW would be approximately 50 feet in length, 10 feet wide, and approximately 0.01 acres. The well site would be approximately 50 feet in length, 75 feet wide and approximately 0.08 acres. the total ROW for the access road and well site would be 0.097 Acres. The proposed action is located northeast of the Las Vegas Valley, North of I-15 and southwest of Moapa, Nevada. The proposed right-of-way area is an existing road providing access to a monitoring well site used for the Reid Gardner Generation Station.

Future impacts associated with this action should be minor, since the project is for an existing road and monitoring well site. This project provides access to the well site that is used in conjunction with the Reid Gardner Generating Station. Since NV Energy is in control of the Generating Station, and it is their application, there is no conflict with this right-of-way.

Tribes, Individuals, Organizations, or Agencies Consulted:

Table 1. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Nevada Power Company d/b/a NV Energy	Applicant	They applied for the right-of-way.

List of Preparers

Table 2. List of Preparers:

Name	Title	Responsible for the Following Section(s) of this Document
Cheri B. Woodward	Realty Specialist	Introduction, Purpose and Need, Scoping, Land/Access
Lisa Christianson	Environmental Protection Specialist	Air Quality, Greenhouse Gas Emissions, Visual Resources
Susanne Rowe	Archaeologist	Cultural Resources, Native American Religious Concerns, Paleontology,
Katie Kleinick	Natural Resource Specialist	Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species), Forest Initiative, Healthy (Cactus/Yucca), Threatened, Endangered or Candidate (Plant Species), Vegetation Excluding Listed Species
Boris Poff	Hydrologist	Floodplains, Hydrologic Conditions, Riparian/Wetlands, Soils, Water Resources/Quality (Drinking/Surface/Ground), Wetlands/Riparian Zones, Wild & Scenic Rivers
Amelia Savage	Wildlife Biologist	Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species), ACEC's
George Varhalmi	Geologist	Geology/Mineral Resources/Energy Production,
Marilyn Peterson	Recreation Specialist	Recreation, Wild and Scenic Rivers
Krystal Johnson	Wild Horse and Burro Specialist	Farmlands, Prime or Unique
Billy Williams	Natural Resource Specialist	Invasive Species/ Noxious Weeds
John Evans	Planning and Environmental Coordinator	Environmental Justice
Sean McEldery	Fire Management Specialist	Fuels/Fire Management
Sendi Kalcic	Wilderness Planner	Areas with Wilderness Characteristics, BLM Natural Areas
Mike Moran	Environmental Protection Hazmat Specialist	Wastes (hazardous or solid)

EXHIBIT A — STIPULATIONS

EXHIBIT B — AERIAL MAP

EXHIBIT C — MASTER TITLE PLAT (MTP) MAP