

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

**Categorical Exclusion
DOI-BLM-NV-S010-2012-0078-CX**

April 24, 2013

Pioneer Green Energy, LLC

1802 Lavaca Street, Suite 200

Austin, TX 78701

Case File Number N-89219

PREPARING OFFICE

**U.S. Department of the Interior
Bureau of Land Management
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Las Vegas, NV 89130
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Pioneer Green Energy, LLC

A. Background

On October 12, 2010, Pioneer Green Energy, LLC submitted a type 2 wind right-of-way (ROW) application to construct, operate, maintain and terminate a project area and four (4) meteorological towers (Met Towers) and an access route on/across public lands. The original application consisted of six (6) met towers and two (2) met towers were dropped from the NEPA analysis process. Met tower four (4) was dropped from analysis due to cultural issues and met tower six (6) was dropped because of impacts to the Las Vegas Bearpoppy, a BLM special status plant and state listed species. This NEPA document analyzes met towers 1, 2, 3, and 5. The proposed project will consist of approximately 20,336.71 acres of Bureau of Land Management lands located approximately 22 miles north east of Las Vegas, within Clark County, between Interstate 15 and the Muddy Mountains Wilderness Area. The requested ROW for new disturbance is 51 feet x 14,082 feet = 0.398 acres. The previous disturbance area is 15,048 feet X 100 feet = 34.55 acres. The total amount of disturbance is 34.948 acres.

BLM Office: Las Vegas Field Office

LLNVS00560

Lease/Serial/Case File No.: N-89219

Proposed Action Title/Type:

Type 2 ROW application for a project area and four (4) meteorological towers and an access route on public lands.

Location of Proposed Action:

Between Interstate 15 and the Muddy Mountains Wilderness Area — See Exhibit A for Legal Description and Exhibit B for MTPs and Exhibit C for Maps

**Legal Description of Federal Lands Requested in Pioneer Green Energy's Application for a
Right-of-Way Grant for a Wind Energy Site Testing and Monitoring Project Area in Clark
County Nevada**

Revised August 27, 2012
Pioneer Green Energy LLC
Application NVN-089219
Total Acreage: 20616.79

N-89219
EXHIBIT A
PAGE 1 OF 2

<u>Township and Range (Mt. Diablo Meridian)</u>	<u>Section</u>	<u>Aliquot</u>	<u>Approximate Acres</u>
<u>17S 64E</u>	10	SW1/4	160
	15	W1/2	320
	22	W1/2	320
	27	W1/2	320
	34	W1/2	320
<u>18S 64E</u>	3	Lots 7 thru 8, inclusive, S1/2NW1/4, SW1/4	316.64
	10	W1/2	320
	15	W1/2	320
	21	SE1/4	160
	22	W1/2	320
	27	W1/2	320
	28	E1/2	320
	31	Lots 5 thru 6, inclusive, E1/2NW1/4, NE1/4	317.82
	32	All	640
	33	All	640
	34	W1/2, N1/2SE1/4	400
35	S1/2NW1/4, SW1/4NE1/4, W1/2SE1/4	200	
<u>18S 63E</u>	36	N1/2	320
<u>19S 64E</u>	1	Lots 6 thru 8, inclusive, S1/2NW1/4, SW1/4NE1/4, SW1/4, NW1/4SE1/4	440.04
	2	Lots 5 thru 8, inclusive, S1/2N1/2, S1/2	640.24
	3	Lots 5 thru 8, inclusive, S1/2N1/2, S1/2	640.04
	4	Lots 5 thru 8, inclusive, S1/2N1/2, S1/2	639.96
	5	Lots 5 thru 8, inclusive, S1/2N1/2, S1/2	640.76
	6	Lots 8 thru 14, inclusive, SE1/4NW1/4, S1/2NE1/4, SE1/4, E1/2SW1/4	637.28
	7	Lots 5 thru 8, inclusive, E1/2W1/2, E1/2	636.73
	8	All	640
	9	All	640
	10	All	640
	11	All	640
	12	NW1/4, W1/2SW1/4	240

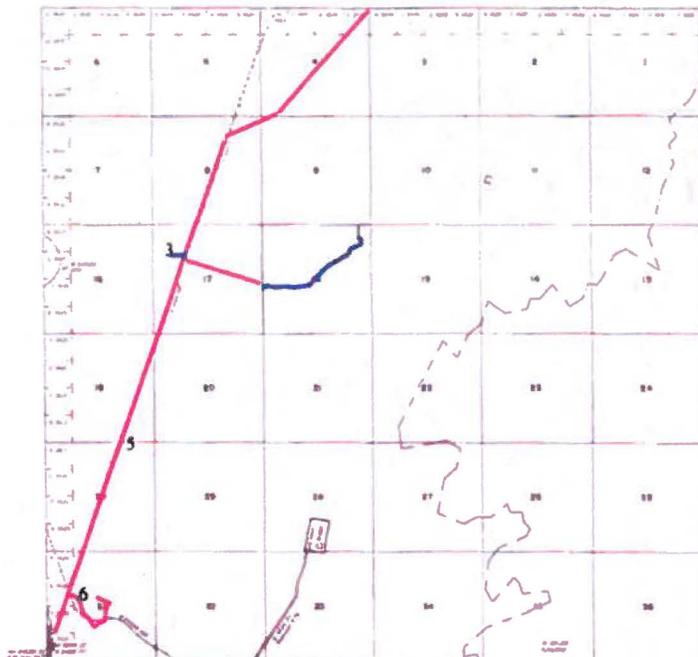
	14	NW1/4, W1/2NE1/4, NE1/4NE1/4	280
	15	N1/2, SW1/4, N1/2SE1/4, SW1/4SE1/4	600
	16	all	640
	17	all	640
	18	Lots 5 thru 8, inclusive, E1/2W1/2, E1/2	636.80
	19	Lots 5 thru 8, inclusive, E1/2W1/2, E1/2	636.80
	20	all	640
	21	all	640
	22	NW1/4, W1/2SW1/4	240
	29	all	640
	30	Lots 5 thru 8, inclusive, E1/2W1/2, E1/2	636.80
	31	Lots 5 thru 8, inclusive, E1/2W1/2, E1/2	636.88
	32	all	640

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EXHIBIT A
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TOWNSHIP 19 SOUTH RANGE 64 EAST OF THE MOUNT DIABLO MERIDIAN, NEVADA

CLARK COUNTY
LAS VEGAS OR DIST

STATE OF PUBLIC DOMAIN
LAND AND MINERAL TITLES



MT PLAT

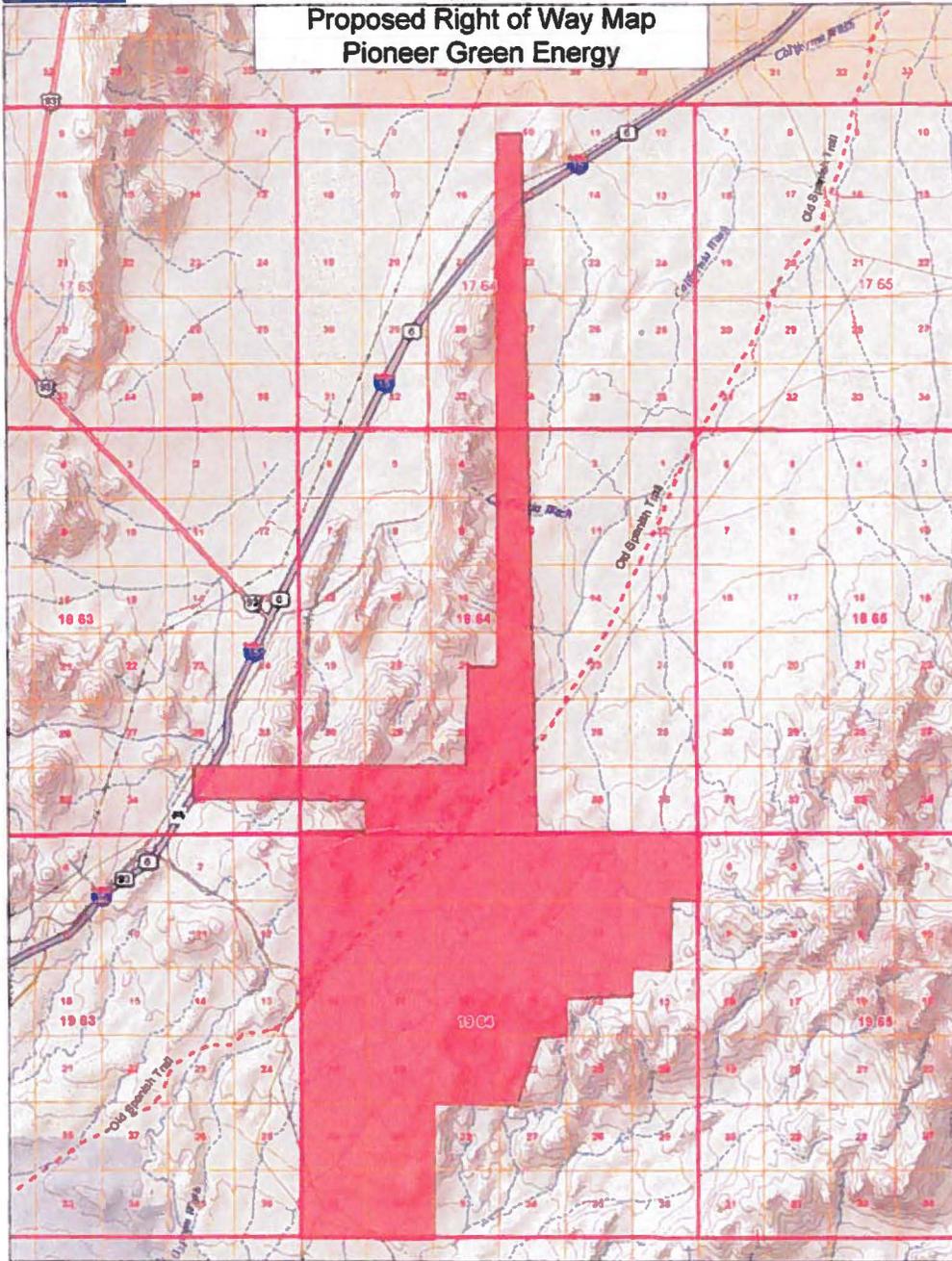
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EXHIBIT B
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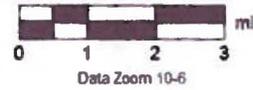
- N-89129 Pioneer Green Energy
- Existing roads
 - Drive/crush; foot access
 - 1,3,6,6 MET sites

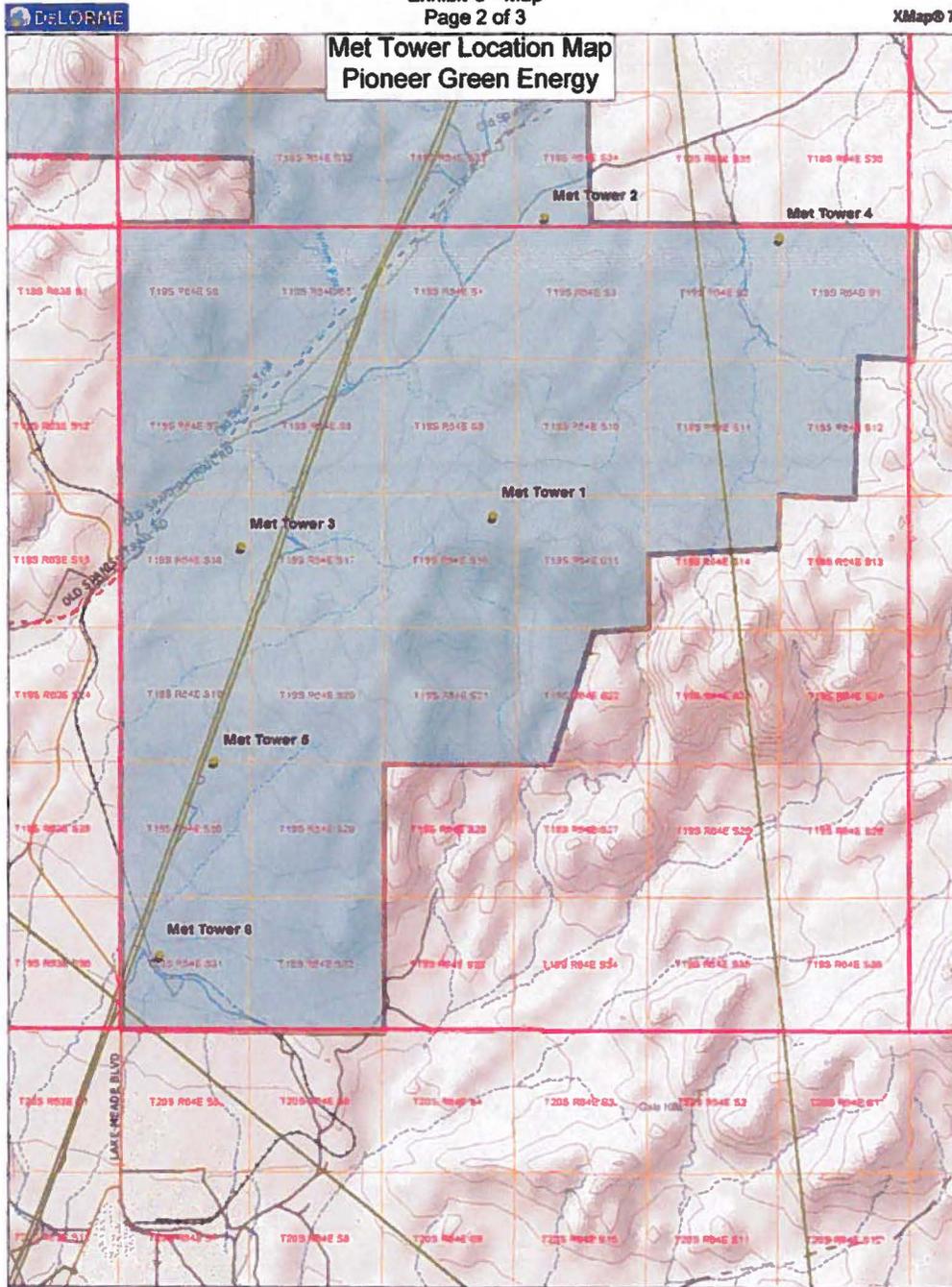


Proposed Right of Way Map Pioneer Green Energy

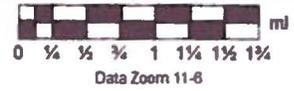


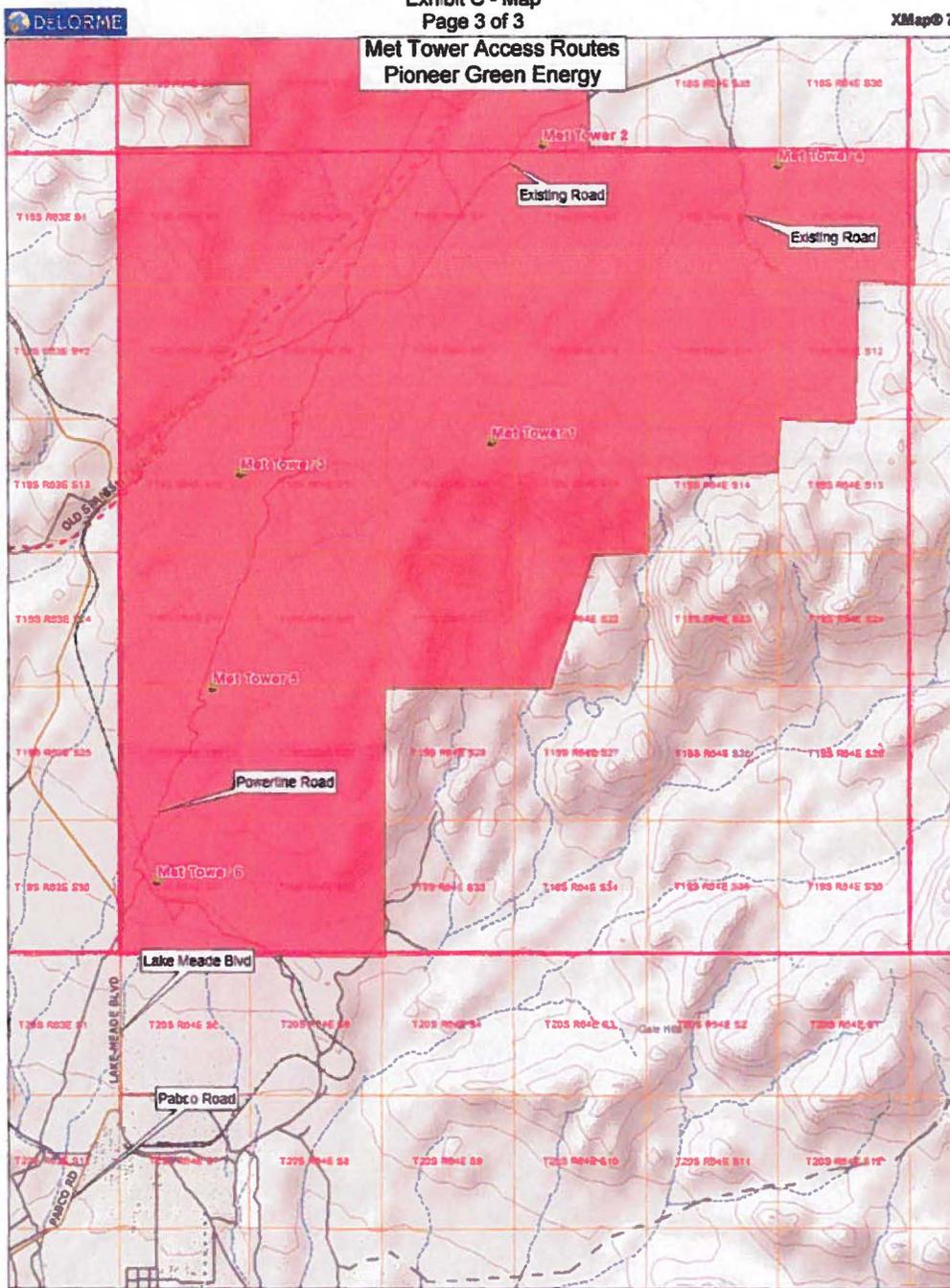
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Description of Proposed Action:

Categorical Exclusion

Pioneer Green Energy, LLC (PGE) submitted a type 2 wind application for wind testing and monitoring site. PGE proposes to construct, operate, maintain, and terminate four (4) Met Towers and an access route on/across public lands within the proposed wind energy site testing and monitoring project area. This proposed ROW application will provide PGE with the ability to assess the viability of a utility scale wind energy generation project.

The entire proposed project consist of approximately 20,336.71 acres of Bureau of Land Management (BLM) lands located approximately 22 miles northeast of Clark County, in Las Vegas, Nevada between Interstate 15 and the Muddy Mountains Wilderness Area. The specific Met Tower locations were selected to measure a representative sample of the wind throughout the topographically varied site while minimizing environmental impacts. The Met Towers will be assembled and disassembled on the ground within the temporary construction/staging area and will be lifted into place using a winch and gin pole.

Each Met Tower has an action area that forms a diamond with the four outermost anchor points of the Met Tower marking the vertices of the diamond. The ground disturbance will be through a 3-feet by 3-feet base plate and anchor points for the guy wires. Total new ground disturbance will consist of 9 square feet for each Met Tower's base plate (45 square feet) and 15 square feet for each Met Tower's anchor point(s) (75 square feet), totaling 24 square feet for each Met Tower (24 square feet X 5 Met Towers = 120 square feet). Including the anchor points, the Met Tower footprint is approximately 1.25 acres for surveying. The combined 1.25 acre Proposed Action Areas for the Met Towers will encompass a total of 7.5 acres of the 20,336.71 acres of the project area of the ROW grant, although actual new disturbance for the tower installation will be 0.077 acres plus drive and crush disturbance and previous disturbed areas..

The Met Towers includes the following prefabricated components: a 3-feet by 3-feet base plate; Each Met Tower measures 60-meters (197 feet) in height and 10-inches in diameter (packaged in an 8-10 foot section); 24 guyed wires and 15 anchors (12 anchors to secure the Met Tower and 2 or more wind vanes; a small box containing logging/transmitting electronics; and a small solar panel and battery pack for power. Each layout for the Met Towers will have four (4) sets of guy wires, with each set of guy wires attached to anchors placed at 90 degree angles at points approximately 40-50 meters from the base of the each tower. The anchors will be installed based on the site's soil conditions either by screwing in auger-type anchors or excavating holes for each anchor and then backfilling them to secure the anchors. Concrete will not be used to secure the anchors. The anchors will be pulled tested to confirm that they meet the engineering standards. The Met Tower base plates will be assembled with all sensors and wiring installed while on the ground and then lifted by using a winch and gin pole. The guy wire tension will be tested and adjusted until the tension is safe, secured, straight, and level. The data loggers, antenna, solar panel, and battery pack installed and the Met Tower data transmission system will be activated and tested.

The removal of vegetation and weeds will be limited to the area occupied by a 3-feet by 3-feet base plate and will be negligible. Herbicides will not be used.

Transportation will be provided by pick-up trucks and/or all terrain vehicles (ATVs), when and if necessary, and will transport the Met Towers, equipment, and crew to the construction sites. Each Met Tower will be accessed via existing roads and trails. Vehicles will access each Met Tower location identified using existing roads and will thereafter travel off-road. The roads at or near the Met Tower locations will not be modified or constructed during this proposed action. Off-road travel will be limited to one (1) round trip drive and crush to each Met Tower for delivery of all Met Tower components and required installation equipment. The installation team will rake out

all vehicle tracks left by off-road travel. Each location must be raked at a minimum of 100-feet from the access road to the tower site so no visible driving scar can be seen from the access point. The installation team will subsequently travel to each Met Tower location on foot for all remaining installation activities. The Met Towers will be assembled on the ground and will then be lifted into place using a winch and gin pole. Once erected, the towers will be secured by 4 sets of 6 guy wires, with each set of guy wires attached to anchor placed at 90 degree angles at points approximately 40, 45 and 50-meters from the base of the tower. Construction of the Met Towers is expected to require a team of 6 installers working up to 4 days on each tower, for a combined total of 24 days.

The BLM is in receipt of a letter from PABCO Gypsum, dated, July 19, 2012. The letter grants approval/permission to PGE for use of the PABCO Gypsum's Exclusive Use of ROW grant (Nev-49389) and to cross PABCO's Railroad ROW grant (N-54508) in order to construct, operate, maintain, and terminate this proposed application for wind testing and monitoring (N-89219). The identification and location of each Met Tower is located within case-file N-89219. Road access is granted for the duration of this proposed project (Type 2 for Wind Testing and Monitoring). PGE agrees to leave the access road and rail road tracks in pre-construction condition.

Access will be via Interstate 15 and State Highway 147 to Pabco Road. Individual site access begins on Pabco Road by letter of permission from PABCO Gypsum, then it continues on to existing unimproved routes as depicted on the attached map.

Met Towers 1, 2, 3, and 5 will be accessed by traveling east along East Lake Mead Boulevard/State Route 147 until it becomes Pabco Road then northeast along Pabco Road until it becomes Lake Mead Boulevard again and then north along Lake Mead Boulevard until it becomes Powerline Road and then northeast along Powerline Road and then follow the existing dirt roads and trail to the installation sites. Met Tower 6 will be accessed by traveling east along East Lake Mead Boulevard/State Route 147 until it becomes Pabco Road, then northeast along Pabco Road until it becomes Lake Mead Boulevard again, then north along Lake Mead Boulevard until it becomes Powerline Road, then southeast along Powerline Road and then follow the existing dirt roads and trails to the installation site. (Met Tower 6 was dropped from further analyses on April 23, 2013).

PGE will begin to install the Met Towers, if weather permits, within 3 months of securing permits from Clark County and after obtaining a ROW grant from BLM and/or a Notice to Proceed. The Met Towers will collect data year round at each location site. The wind resource assessment requires that a sample of the wind be studied continuously for a minimum of one year, but ideally for a period of two or more years. The Met Towers will remain on site until sufficient data has been collected or until the expiration of the 3 year ROW grant. Each Met Tower will have a small box containing logging/transmitting equipment, a solar panel, and a battery pack for power. The data reporting functions of the Met Towers are monitored remotely and only required one to two site visits per year to conduct required maintenance activities.

Upon termination of the of the ROW grant, all Met Towers and related equipment will be removed. The Met Towers will be lowered using the winch and gin pole and disassembled on the ground. Although surface impact will be minimal, any disturbed area will be re-vegetated, monitored, and sprayed for noxious weeds and invasive species as required by the Southern Nevada District and the Las Vegas Field Office.

B. Land Use Plan Conformance

Land Use Plan Name:

Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement

Date Approved/Amended:

October 5, 1998

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions) :

Lands Management

Objectives

Land Use Authorizations

LD-2. All public lands within the planning area, unless otherwise classified, segregated or withdrawn, and with the exception of Areas of Critical Environmental Concern and Wilderness Study Areas, are available at the discretion of the agency, for land use leases and permits under Section 302 of Federal Land Policy and Management Act and for airport leases under the authority of the Act of May 24, 1928, as amended.

Management Direction

LD-2a. Land use lease or permit applications and airport lease applications will be addressed on a case-by-case basis, where consistent with other resource management objectives and local land uses. Special terms and conditions regarding use of the public lands involved will be developed as applicable.

The Proposed Action is designated as a categorical exclusion (CX) pursuant to 516 DM11.9, (E.) Realty, (19), DOI 2008.

Right-of-Way Management

Objective

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 in holdings, communications, flood control, major utility transmission lines, and related facilities.

Management Direction

RW-1-h. All public lands within the planning area, except as stated in RW-1-c through RW-1-g, are available at the discretion of the agency for right-of-way under the authority of the Federal lands Policy Management Act.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9, E

(19): "Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition."

E. Realty

(19) Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

BLM - Instruction Memorandum (IM) 2009-43, Wind Energy Development Policy

A categorical exclusion for the issuance of short-term right-of-way authorizations may be applicable to site testing and monitoring activities or sites. The relevant CX identified by the BLM NEPA Handbook, H1790-1, Appendix 4, Section E. 19 (January 30, 2008), encompasses "issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition."

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

I have considered the proposed project; the installation of five meteorological towers and an access route for a term of three years. The roads at or near the Met Tower locations will not be modified or constructed during this proposed action. All off-road travel will be limited to one (1) round trip drive an crush to each Met Tower for delivery of all Met Tower components and required installation equipment. The installation team will rake out all vehicle tracks left by off-road travel. Each location must be raked at a minimum of 100 feet from the access road to the tower site so no visible driving scars can be seen from the access point. The proposed project is temporary in nature. The installation team will there after travel to the Met Tower locations on foot for all remaining installation activities. At the end of the grant and short-term grant period, the area will be decommissioned and returned to/or near its original condition.

D. Approval and Contact Information



Vanessa L. Hice
Assistant Field Manager,
Division of Lands



Date

Contact Person

Mrs. Brenda Wilhight, Realty Specialist

Southern Nevada District Office

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