

**Bureau of Land Management
Winnemucca District Office
HRFO (W010)**

Categorical Exclusion

CX#: DOI-BLM-NV-W010-2013- 0068-CX

Date: 7/23/2013

Lease / Case File / Serial #: N-60769/N-1932

Regulatory Authority (CFR or Law): 2800

BLM Manual: 2800

Subject Function Code: 2850

Is the project located within a Preliminary Priority Habitat? Yes No

Is the project located within a Preliminary General Priority Habitat? Yes No

Is the project located within a National Landscape Conservation System feature (NCA, Wilderness, WSA, ISA, Scenic or Historic Trails)? Yes No

1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: Julie McKinnon

3. Project Title: 120kV Power line Rebuild Amendment (Oreana – I-80) -- Hycroft

4. Applicant: Sierra Pacific Power Co. dba NV Energy

5. Project Description: (briefly describe who, what, when, where, why, how)

Sierra Pacific Power Co. submitted an application to rebuild portions of an existing 120kV power line (authorized under two separate rights-of-way; N-1932 & N-60679) extending from the existing Oreana substation to where the power line intersects Interstate 80. The current structure of the power line was constructed using the wood “H” frame design.

The proposed purpose for rebuilding the existing power line is to provide more reliable service to the Winnemucca and surrounding areas and to provide reliable power for projected mineral expansion projects, such as gold and geothermal.

The power company is proposing to rebuild the power line from the Oreana substation to I-80 replacing the current “H” frame wood structures to single pole structures out of steel. They are proposing all of the construction to take place within the existing authorized right-of-way (ROW) footprint of 50 feet in width on the public lands and 90 feet in width on the private easements. Approximately 35 miles of public lands would be involved in the rebuilding project proposal.

There would be approximately 420 steel single-pole structures varying in heights from 50 feet -90 feet depending on topography; 12 steel single-pole angle structures. The approximate

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distance between pole structures would be 400 feet.

NV Energy would also expand the Oreana substation, on private land owned by NV Energy, required for various needs that include renewable energy interconnections.

Portions of this power line were authorized under the Act of March 4, 1911(N-1932); in 1996 a small portion of this power line was re-authorized under FLPMA to allow for the expansion of Florida Canyon Mine (N-60769). It was determined that we would amend ROW N-60679 for the portions of the power line that are proposed to be rebuilt up to the intersection of I-80.

NV Energy would use the standard BMPs, SOPs and follow the APLIC standards when replacing and rebuilding the 'H' frame structures.

Project dimensions (length, width, height, depth): 50'(w) x 70' (h) x 184,800'(l)35 miles)

Total Acres: 212.12

BLM Acres: 109.09

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: T. 29 N., R 33 E., T. 30 N., R. 33 E., T. 31 N., R. 33 E., T. 32 N., R. 33 E., T. 32 N., R. 34 E., T. 32 N., R. 34.5 E.,

USGS 24k Quad name: Mill City, Imlay, Star Peak, Rye Patch Reservoir S, Rye Patch Dam, and Oreana

100k map name: Eugene Map

Land Status: BLM Private Other BOR

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 is in conformance with the applicable Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

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

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):

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*)
- 516 DM 11.9, (BLM) E. Realty # 13: Amendments to existing rights-of-way, such as upgrading of existing facilities, which would entail no additional disturbances outside the right-of-way boundary.

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"/>	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 (The following stipulation(s) is/are recommended to be applied to the authorization) (Attach ESA Section 7 Compliance to Form, if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Burrowing Owl (<i>Athene cunicularia</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See MBTA Mitigation (Table 2)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pale Kangaroo Mouse (<i>Microdipodops pallidus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Reseed staging areas after use using attached seed mixture, to get vegetation regrowth in the staging areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dark Kangaroo Mouse (<i>Microdipodops megacephalus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Reseed staging areas after use using attached seed mixture, to get vegetation regrowth in the staging areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Preble’s Shrew (<i>Sorex preblei</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Reseed staging areas after use using attached seed mixture, to get vegetation regrowth in the staging areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Special Status Bats (several species)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lahontan (Scented) Beardtongue (<i>Penstemon palmeri var macranthus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Flag the location of the occurrence of the Lahontan (Scented) Beardtongue during construction. Avoid disturbing this plant during construction. Remove flagging after construction.

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Table 2. Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (<i>Scientific</i>) Name	May Be Affected?	Recommended Mitigation (The following stipulation(s) is/are recommended to be applied to the authorization)
List of Migratory Birds within area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>In order to avoid potential impacts to breeding migratory birds, a nest survey shall be conducted by a qualified biologist within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (March 1st through August 31st). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols, and should be approved by the BLM biologist prior to being implemented. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion.</p> <p>Follow USFWS Migratory Bird Permit Memorandum (MBPM2), regarding unoccupied migratory bird nest destruction (without birds or eggs) outside of migratory bird nesting season (March 1st – August 31st).</p> <p>Power and/or communication lines shall be constructed in accordance to standards outlined in “Suggested Practices for Avian Protection on Power Lines, The State of the Art in 2006,” (Avian Power Line Interaction Committee (APLIC), 2006, Edison Electric Institute and the raptor Research Foundation, Inc., Washington, DC) and Avian Protection Plan (APP) Guidelines (USFWS, 2005). This stipulation is applicable to renewals of ROWs as well as new ROWs.</p> <p>Power and/or communication lines are located in a fall and/or spring migration corridor. The applicant shall install collision deterrent (e.g. line markers) or suitable “bird diverter” devices on all guy wires to increase visibility, as appropriate. These devices and markers will be checked periodically and replaced as needed.</p>

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	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Mitigation Measures/Remarks (The following stipulation(s) is/are recommended to be applied to the authorization):

- *Reseed staging areas after use using attached seed mixture, to get vegetation regrowth in the staging areas.*
- *Flag the location of the occurrence of the Lohanton (Scented) Beardtongue during construction. Avoid disturbing this plant during construction. Remove flagging after construction.*
- *In order to avoid potential impacts to breeding migratory birds, a nest survey shall be conducted by a qualified biologist within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (March 1st through August 31st). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols, and should be approved by the BLM biologist prior to being implemented. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion.*
- *Follow USFWS Migratory Bird Permit Memorandum (MBPM2), regarding unoccupied migratory bird nest destruction (without birds or eggs) outside of migratory bird nesting season (March 1st – August 31st).*
- *Power and/or communication lines shall be constructed in accordance to standards outlined in “Suggested Practices for Avian Protection on Power Lines, The State of the Art in 2006,” (Avian Power Line Interaction Committee (APLIC), 2006, Edison Electric Institute and the raptor Research Foundation, Inc., Washington, DC) and Avian Protection Plan (APP) Guidelines (USFWS, 2005). This stipulation is applicable to renewals of ROWs as well as new ROWs.*
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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)

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.

Project authorization is subject to mitigation measures identified above. (This is a NEPA Decision. A separate program implementation decision is necessary.)

Based on regulatory authority or law that allows BLM to take action, it is my decision to allow for implementation of the project, as described, with the mitigation measures identified above and attached as stipulations, conditions of approval, terms of conditions, etc. This is a combined NEPA and program implementation decision.

Authorized Official /s/Victor Lozano Date: 1/14/2014
(Signature)

Administrative Review or Appeal Opportunities

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 Victor Lozano, Acting 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 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.

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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 the conclusion of any document that a 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)).

**Reclamation Seed List for NV Energy 120kV transmission line rebuild Oreana to I-80
(N1932/N60769)**

Saltshrub Seed Mix		Lowest Elevations 3800ft to 4200ft		
Species	PLS lbs/Acre	Bulk lbs/Acre	PLS/sq. ft	Variety
Fourwing saltbrush	3	5	4	VNS*
Shadscale	3	5	4	VNS*
Bottlebrush squittetail	3	4	13	VNS*
Indian Ricegrass	3	4	15	Rimrock or Nezpar
Sanberg's bluegrass	1	1.3	21	VNS*
Totals	13	19.3	57	
VNS* = Variety Not Specified				