

Decision Record – Memorandum for a Land Use Application Permit to Conduct Geotechnical Investigation and Install Water Wells for Aquifer Testing

NEPA Number: DOI-BLM-NV-S010-2014-0025-CX

Compliance

The proposed action is in conformance with the approved land use plan and is consistent with the applicable plans and policies of county, state, tribal and federal agencies. The proposed project is in compliance with the Federal Land Policy and Management Act (FLPMA) of 1976 and all Bureau of Land Management (BLM) land uses in Southern Nevada, the Las Vegas Resource Management Plan (RMP), the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act.

Selected Action

The selected action is to grant a land use permit to conduct geotechnical investigation and install water wells for aquifer testing in support of the proposed Silver State Solar South project. Geotechnical data collected would be analyzed to identify the type and size of foundations that may be required for project structures and equipment associated with the proposed Silver State Solar South project. Additionally, data regarding the soil's resistance to electric current flow would be collected and used for the electrical grounding design to ensure the proposed project would meet electrical safety codes. All testing would be located within the Silver State Solar South project area analyzed in the Final Supplemental Environmental Impact Statement (FSEIS) for the Silver State Solar South Project and Proposed Las Vegas Field Office RMP Amendment (BLM 2013).

Compliance with NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM2, Appendix I, or 516 DM 11.9,

E. Realty

(19) Issuance of short-term (three 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.

J. Other

(3) Conducting preliminary hazardous materials assessments and site investigations, site characterization studies, and environmental monitoring. Included are siting, construction, installation, and /or operation of small monitoring devices such as wells, particulate dust counters, and automatic air or water samplers.

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

It is my decision to implement the proposed action with the project stipulations shown as Appendix A.

Public Involvement:

No public involvement was done for this project, because no external issues were identified as a result of the small scope of the project and its associated impacts. Comments provided by the resources staff from the Southern Nevada District Office relevant to the project were used in preparation of the Categorical Exclusion and in the preparation of mitigation measures that have been incorporated into the attached stipulations.

Rationale:

The proposed action is in conformance with the approved Las Vegas RMP and Final Environmental Impact Statement, and Record of Decision (October, 1998), even though it is not specifically provided for, because it is clearly consistent with the following decision(s) (objectives, terms, and conditions):

The action meets Land Use Authorization Objective: 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 the Federal Land Policy and Management Act and for airport leases under the authority of the Act of May 24, 1928, as amended.

The action meets Management Direction: LD-2-a. 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.

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 regulations 43 CFR §2801.10 or 43 CFR §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 appropriated 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:



1/23/2014

Gayle Marrs-Smith
Las Vegas Field Manager

Date

Contact Person:

For additional information concerning this Finding, contact
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