

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

Categorical Exclusion Form

CX#: DOI-BLM-NV-W010-2014-0002-CX

Date: 4/23/2014

Lease / Case File / Serial #: N92450

Regulatory Authority (CFR or Law): 43 CFR 3250

BLM Manual: N/A

Subject Function Code: 3209 - Geothermal Resources Exploration Operations

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: Doug Rowles

3. Project Title: Baltazor Geothermal Exploration

4. Applicant: Ormat Nevada, Inc.

5. Project Description: Ormat Nevada, Inc. (Ormat) is proposing up to five exploratory temperature gradient (TG) well locations to assess the geothermal resource of the Baltazor Hot Springs area. Only two wells would be drilled. Each TG well would be drilled to a maximum depth of 1,000 feet below ground surface. Surface disturbance associated with the two drill sites would be approximately 150 feet by 150 feet, or 0.52-acre per drill site (1.03 acres total).

State Highway 140 bisects the project area. Existing roads and up to 4,569 feet of cross-country travel would be used to access the two proposed drill sites. The width of the cross-country travel routes would be approximately 12 feet. Total surface disturbance associated with the cross-country-travel would be up to approximately 1.26 acres. The total surface disturbance associated with the project, including the two drill sites and 4,569 feet of cross-country travel, would be up to approximately 2.29 acres. No new access roads would be constructed.

The proposed TG wells would be drilled using a track-mounted rotary drill rig. A track-mounted off-road crawler equipped with water and fuel tanks would also track out to each drill site to supply the drill rig. Water needed for drilling operations will be trucked to the site from a private source, and is expected to amount to approximately 2,000 gallons per TG well. All-

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terrain vehicles would be used to transport the drill crew from their vehicles to each drill site. The exploration program would utilize sumpless drilling techniques. All drilling mud and cuttings would be contained in a series of troughs, with no discharge to the ground surface or bodies of water. All waste materials generated during the project would be disposed off-site.

The proposed exploration operations would be conducted within a 15 to 45-day period between May 1, 2014 and May 1, 2015. Drilling would be conducted 24 hours per day, seven days per week by a crew of up to three workers.

Each of the two well-heads would be secured with a locking valve. A sign would be posted at each well location which identifies the well number, operator/lease holder, lease number, well location information, and emergency contact information.

Project dimensions (length, width, height, depth): Approximately 150 feet x 150 feet per drill site. A total of two sites equal approximately 45,000 square feet, or 1.03 acres. Total proposed cross-country travel is approximately 4,569 linear feet with an average width of 12 feet totaling approximately 54,828 square feet, or 1.26 acres.

Total Acres: 2.29 acres

BLM Acres: 2.29 acres

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? 2%. 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): There are existing roads in the vicinity of the project.

6. Legal Description: T. 46 N., R. 28 E., sections 12, 13, and 14

USGS 24k Quad name: Denio, NV

100k map name: Denio, NV

Land Status: BLM Private Other_____.

7. **Add project to your version for the NEPA Geodatabase.** Completed on 4/23/2014

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):

Objective M-6: Make energy available on all public lands on a managed and controlled basis, consistent with national energy policies and demands.

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*): (e) Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

516 DM 11.9, (BLM): 516 DM 11.9(B)(6) – Approval of Notices of Intent to conduct geophysical exploration of oil, gas, or geothermal, pursuant to 43 CFR 3150 or 3250, when no temporary or new road construction is proposed.

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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"/>	Bleached Sandhill Skipper (<i>Polites sabuleti sinemaculata</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Drilling at site 57-13 will be authorized from 10/01 – 07/31. No activity will be authorized at sites 57-13 from 08/1 to 09/30 which is the known flight season for the Bleached Sandhill Skipper. Pre and post drilling photos of all sites selected for drilling must be taken and submitted to BLM and the Reno Office of USFWS.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pueblo Valley Peppercress (<i>Lepidium montanum var. nevadense</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Prior to any surface disturbing activities, a special status plant survey is required for site 57-13 for Pueblo Valley Peppercress. Surveys must be conducted in May or June for Pueblo Valley Peppercress. If a special status plant is located, a protective buffer will be delineated in consultation with the authorized officer.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bighorn Sheep (<i>Ovis Canadensis</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Townsend’s Big-eared Bat (<i>Corynorhinus townsendii</i>) Western Small-footed Myotis (<i>Myotis ciliolabrum</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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)
Brewer’s sparrow (<i>Spizella breweri</i>), burrowing owl (<i>Athene cunicularia</i>), loggerhead shrike (<i>Lanius ludovicianus</i>), sage thrasher (<i>Oreoscoptes montanus</i>), black-throated sparrow (<i>Amphispiza bilineata</i>), Brewer’s blackbird (<i>Euphagus cyanocephalus</i>), canyon wren (<i>Catherpes mexicanus</i>), gray flycatcher (<i>Empidonax wrightii</i>), green-tailed towhee (<i>Pipilo chlorurus</i>), rock wren (<i>Salpinctes obsoletus</i>), sage sparrow (<i>Amphispiza belli</i>), western meadowlark (<i>Sturnella neglecta</i>), and vesper sparrow (<i>Pooecetes gramineus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The migratory bird species in bold are also BLM sensitive species.</p> <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. 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>
	<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):

- Drilling at site 57-13 will be authorized from 10/01 – 07/31. No activity will be authorized at site 57-13 from 08/1 to 09/30 which is the known flight season for the Bleached Sandhill Skipper.
- Pre and post drilling photos of all sites selected for drilling must be taken and submitted to BLM and the Reno Office of USFWS.

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- Prior to any surface disturbing activities, a special status plant survey is required for site 57-13 for Pueblo Valley Peppergrass. Surveys must be conducted in May or June for Pueblo Valley Peppergrass. If a special status plant is located, a protective buffer will be delineated in consultation with the authorized officer.
- 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. 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.

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 43CFR 3250, 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.

The following primary laws authorize BLM to take action.

- The Geothermal Steam Act of 1970, Title 30, United States Code (USC), Chapter 23, Sections 1001 et seq. (30 USC 1001 et seq.).
- 43 CFR 3200, Geothermal Resources Leasing and Operations; Final Rule, May 2, 2007.
- Energy Independence and Security Act of 2007 (Public Law 110-140).
- The 2005 Energy Policy Act; The National Energy Policy, Executive Order 13212.
- National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*).

Authorized Official \S\ Victor W. Lozano
(Signature)

Date: 4/30/14

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 Mr. Victor Lozano, 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.

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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.

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)).