

# **Categorical Exclusion: NV Energy Naples Street Project**

## **A. Background**

DOI-BLM-NV-S010-2014-0146-CX

NV Energy is a private corporation with a Certificate of Public Convenience and Necessity issued by the Public Utilities Commission of Nevada to provide electric service in the certificated area of Clark County and a portion of Nye County. The company currently occupies and manages 1,100+ BLM rights-of-way in the States of Nevada, Utah, and Arizona.

### **BLM Office:**

Bureau of Land Management  
Las Vegas Field Office  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
LLNVS01000

### **Lease/Serial/Case File No.:**

N-93366

### **Proposed Action Title/Type:**

Right-of-Way for the existing underground 15kV distribution line and the existing overhead 12.5kV distribution line. Combined, the lines measure approximately 10 feet wide by 1350 feet long.

### **Location of Proposed Action:**

This project is located near the intersection of Warms Springs Road and Naples Street.

M.D.M. T. 22 S., R. 63 E., sec 9 E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

### **Description of Proposed Action:**

This application is for existing lines which include an overhead line measuring 1310' long by 10' wide and the underground portion measures 10' wide by 40' long. Also located in the same ROW area is an underground distribution line totally 180' long by 10' wide. Total acreage is based on the overall area of 1350' long by 10' wide which totals 0.31 acres.

This is a CX per 516 DM 11.9 E. Realty (12) "Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way." This project is within other developed ROW's.

## **B. Land Use Plan Conformance**

### **Land Use Plan Name:**

Las Vegas Resource Management Plan and final Environmental Impact Statement (RMP), and the record of decision for the approved Las Vegas Resource Management Plan and Final Environmental Impact Statement.

### **Date Approved/Amended:**

RMP dated October 5, 1998

**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) :**

ROW Management. Objective: ROW-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."

Management Direction. Objective:RW-1-h. "All public land within the planning area, excepted as stated in RW1-c through 1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy and 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/ (12): "Grants of right-of-way wholly within the boundaries of the other compatibly developed rights-of-ways."

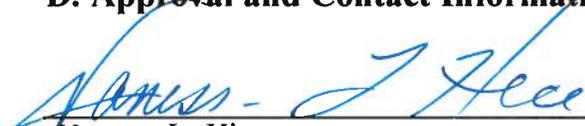
Casefile N-75957, City of Henderson road and N-83980 City of Henderson water facility, are both located within the compatible area of this ROW near Lisbon and Warm Springs.

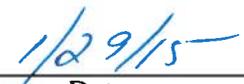
This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Comments providing substantive new information relevant to the analysis and mitigation measures have been incorporated into the Exhibit A Stipulations which are attached to this document.

I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

**D. Approval and Contact Information**

  
\_\_\_\_\_  
Vanessa L. Hice  
Assistant Field Manager  
Division of Lands

  
\_\_\_\_\_  
Date

**Contact Person**

Joseph Varner, Realty Specialist

Las Vegas Field Office  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
702-515-5129

Exhibit A  
Stipulations N-93366

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**1.0 General Stipulations**

- 1.1. The ROW is issued subject to all valid existing rights.
- 1.2. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
- 1.3. The ROW shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.
- 1.4. Holder shall mark the exterior boundaries of the ROW with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
- 1.5. Holder shall conduct all activities associated with construction, operation, maintenance and termination of this ROW within its authorized limits.
- 1.6. Holder shall maintain the ROW in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.
- 1.7. Holder shall maintain copy of the authorization along with stipulations on construction site at all times. In the event that the public land underlying the ROW encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the ROW, or portion thereof, within the

conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances.

- 1.8. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.
- 1.9. Within 90 days of construction completion, the Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the ROW:

Acceptable data formats are:

Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11;

ARCGIS export files on a CD ROM, shapefile, geodatabase.

Data may be submitted in any of the following formats:

ARCGIS interchange, shapefile or geodatabase format.

CD ROM in compressed or uncompressed format.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

## 2.0 Fuels/Fire Management

- 2.1. Fire restrictions are generally enacted May through October. Compliance with fire restrictions is mandatory while fire restrictions are in effect. Specific non-compliant activities may be permitted in writing on a case by case basis by a line officer after review and approval by the Fire Management Officer (43 CFR 9212). In the event of an unplanned ignition that causes a wildfire the proponent will be held responsible for all costs of suppression and damaged resources pending a fire Origin and Cause Investigation. An Origin and Cause Investigation will be done on any human caused fire by BLM Law Enforcement or their designated representative. Conditions that support wildland fire spread can occur any time of the year in Southern Nevada. In general and when fire restrictions are not in effect, utilize standard fire prevention measures and best management practices to prevent fires.

## 3.0 Air Quality

- 3.1. The Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder shall be responsible for dust abatement within the limits of

the ROW and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the ROW.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

Prior to relinquishment, abandonment, or termination of this ROW, the Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

Ensure dust control permit is obtained from DAQ for all soil disturbing activities of .25 acres or greater, in the aggregate and all permit stipulations are in compliance for the duration of the project.

- 3.2. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

#### **4.0 Hazardous Material/Pesticides/Liability/Greenhouse Gas Emissions**

- 4.1. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the ROW area at any time by the Holder. The Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.
- 4.2. The Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the ROW potentially affecting the ROW of which the Holder is aware.

- 4.3. As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the ROW.
- 4.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer.

The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Pesticides shall not be permanently stored on public lands authorized for use under this ROW.

- 4.5. The Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the Holder's use or occupancy of the ROW, regardless of whether the Holder has actually developed or caused development to occur on the ROW, from the time of the issuance of this ROW to the Holder, and during the term of this ROW. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Holder, its agents, contractors, or third parties. If the liability is caused by third parties, the Holder will pursue legal remedies against such third parties as if the Holder were the fee owner of the ROW.

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the ROW regardless of whether the Holder has actually developed or caused development to occur on the ROW from the time of the issuance of this ROW to the Holder and during the term of this ROW.

- 4.6. No mining claims or mining operations present. If excavation that produces mineral materials within the ROW is necessary, the mineral materials must be used within the ROW or stockpiled on site for disposal by the BLM. If mineral materials are to be stockpiled on site for a future disposal, specific BLM use authorization in the form of

a contract, free use permit or material site right-of-way will be necessary before the stockpiled mineral materials can be removed from the ROW.

- 4.7. A cultural survey of the area was conducted in support of the 2004 Valley Disposal Boundary EIS. No historical properties were found. The Nevada State Historic Preservation Office (SHPO) concurred on the adequacy of the report. In the event of an inadvertent discovery, BLM cultural staff will be notified immediately.
- 4.8. In the event of an inadvertent discovery of paleontological resources, the BLM Paleontology lead will be contacted and work stopped.
- 4.9. 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.

## **5.0 Survey Monuments**

- 5.1. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners.
- 5.2. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, the holder shall be responsible for the survey cost.

## **6.0 Vegetation/Noxious Weeds/Land surface Treatment/Soil/Water/Riparian**

- 6.1. The proposed action is within the Las Vegas Valley Disposal Boundary and was analyzed in the associated EIS. Disturbance is minimal and the area surrounding is developed. This action is not expected to significantly increase the spread or introduction of noxious weeds. Standard weed mitigation measures for construction projects must be followed. Proponent will be held responsible for weed infestations that are introduced or spread as a result of project related activities.

- 6.2. The proposed project area has been previously disturbed. BLM special status plant species are not expected to be present.
- 6.3. This action will occur within a previously developed/urban setting in the Las Vegas Valley. The potential for noxious weeds to transfer from the proposed project area to BLM managed multiple use lands elsewhere is negligible; therefore, noxious weeds are not considered to be an issue for the proposed project.
- 6.4. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.
- 6.5. Land surface treatment for areas previously undisturbed: Strip the top three to six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction will be salvaged and transplanted out of harm's way but still within the ROW. At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area.

## 7.0 Visual Resources

- 8.1 The proposed action is in VRM Class IV, which allows for high levels of change to the existing landscape. Change may dominate the view of the casual observer. Since the proposed action is adjacent to existing developments, it is not expected to dominate the view of the casual observer. Please ensure that change repeats the basic elements of form, line, color, and texture found in the natural landscape to the extent practical. Since this is for an underground line, there are no issues.

## 8.0 Migratory Birds

- 8.1. The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703.) protects migratory birds and their nests (nests with eggs or young). The proponent must comply with the MBTA and avoid potential impacts to protected birds within the project area. A list of MBTA protected birds are found in 50 C.F.R. 10.13 (<http://www.gpo.gov/fdsys/pkg/CFR-2012-title50-vol1/xml/CFR-2012-title50-vol1-sec10-13.xml>). Migratory birds, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*), may be present on the project site. Migratory birds may be displaced by habitat removal and/or noise disturbance during maintenance activities.

To prevent undue harm, habitat-altering projects should be scheduled outside the bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs from February 15th through August 31st.

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. As the above dates are a general guideline, if active nests are observed outside this range they are to be avoided as described above.

## **9.0 Fish and Wildlife**

- 9.1. Wildlife species in the general area include small mammals, birds, and reptiles. Additionally, the BLM is directed to conserve sensitive status species through BLM Manual 6840. Sensitive species include western burrowing owl, Mojave shovel-nosed snake, desert glossy snake, and Mojave Desert sidewinder that may be present in the general area. Although there is no new surface disturbance of wildlife habitat associated with this project, these species may be found on the adjacent undisturbed lands and could wander into the proposed project area. The primary direct impact of the proposed action on wildlife would be mortality resulting from operation and maintenance activities. 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 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.

## **10.0 Threatened and Endangered Wildlife and Plant Species Stipulations**

- 10.1. Cactus and yucca are considered special forest products regulated under the BLM Nevada Forestry Program. Because the proposed project area has been previously disturbed cactus and yucca are not expected to be present. Any cactus and yucca plant present should be disposed of in an appropriate trash receptacle. No salvage or sale is necessary.
- 10.2. The above action has a no effect determination for the threatened desert tortoise (*Gopherus agassizii*) and a no effect determination for its designated critical habitat, as the project is outside of this range. This project will have no effect on any other federally listed species or designated critical habitat. This parcel is completely surrounded by development, and the likelihood of encountering a tortoise while performing maintenance activities on this small piece is remote. No impacts to desert tortoise or their habitat are expected to occur and no remuneration fees are required.

Compliance with the special stipulations below will help to ensure that no effect or adverse impacts to desert tortoises occur.

Should a desert tortoise enter the area of activity all activity shall cease until such time as the animal has left the area of its own accord.

Participants will be instructed to check underneath all vehicles before moving them as tortoises often take cover underneath parked vehicles. If a tortoise is present, the vehicle is to remain in place until such time as the animal has moved out on its own.

Trenches for the underground fiber optic line shall be backfilled or covered at the end of each day during hours of inactivity to prevent animals from inadvertently falling in. This notice will serve as the Section 7 Determination and no additional paperwork will be provided (Sec 7 Log # NV-052-14-218).

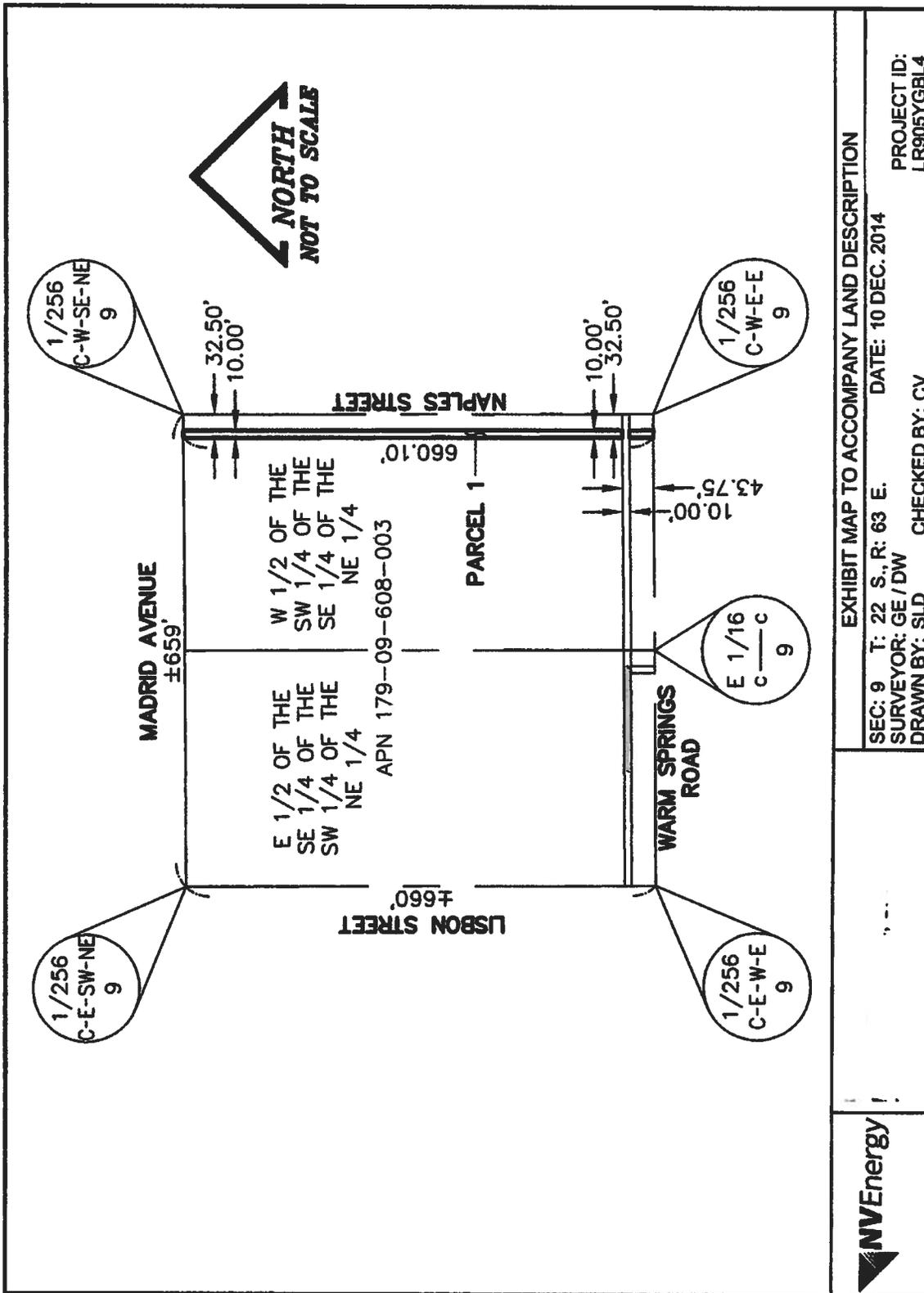
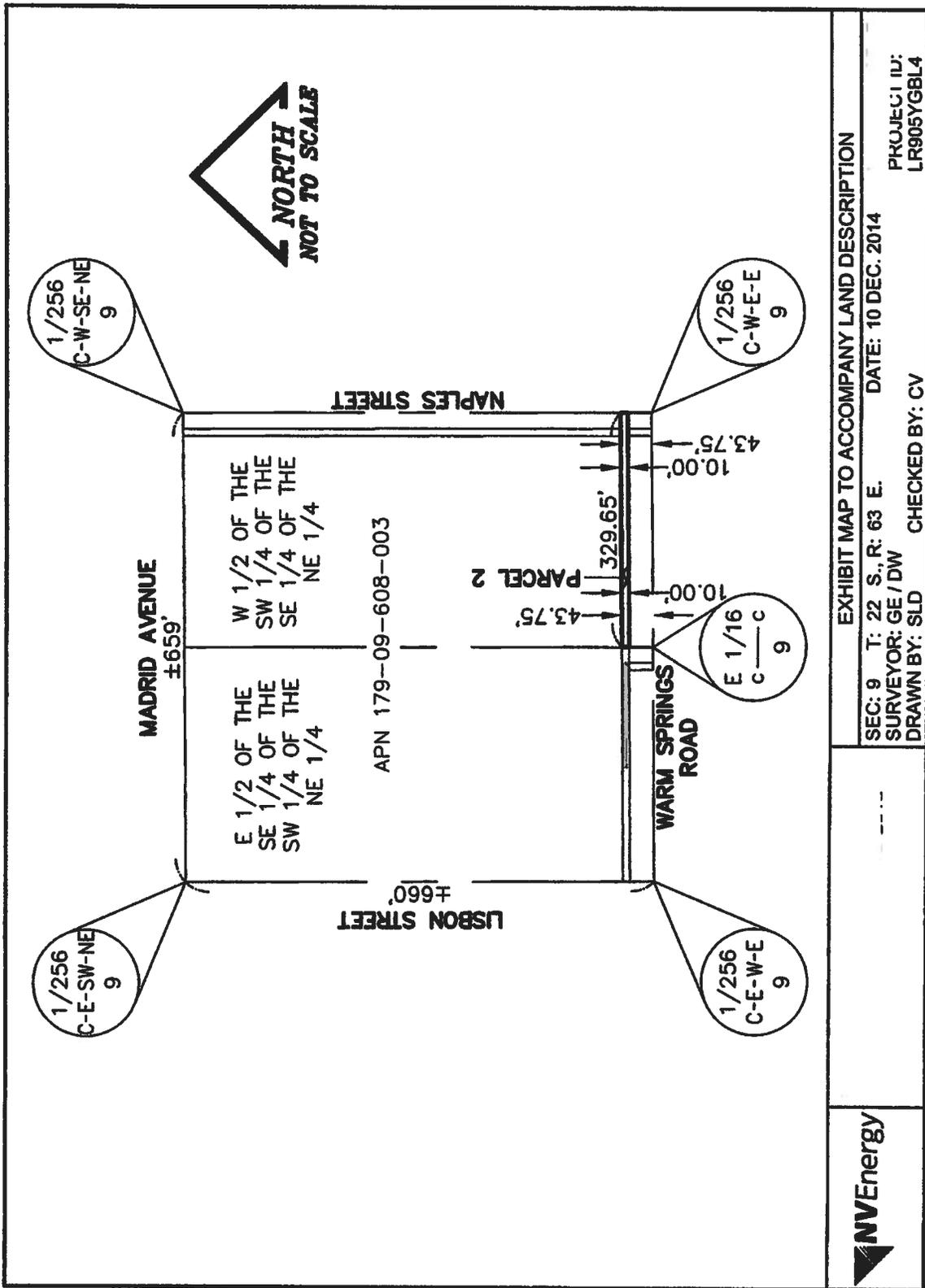


	EXHIBIT MAP TO ACCOMPANY LAND DESCRIPTION	
	SEC: 9 T: 22 S., R: 63 E.	DATE: 10 DEC. 2014
	SURVEYOR: GE/DW	CHECKED BY: CV
	DRAWN BY: SLD	PROJECT ID: LR905YGBL4



**NVEnergy**

**EXHIBIT MAP TO ACCOMPANY LAND DESCRIPTION**

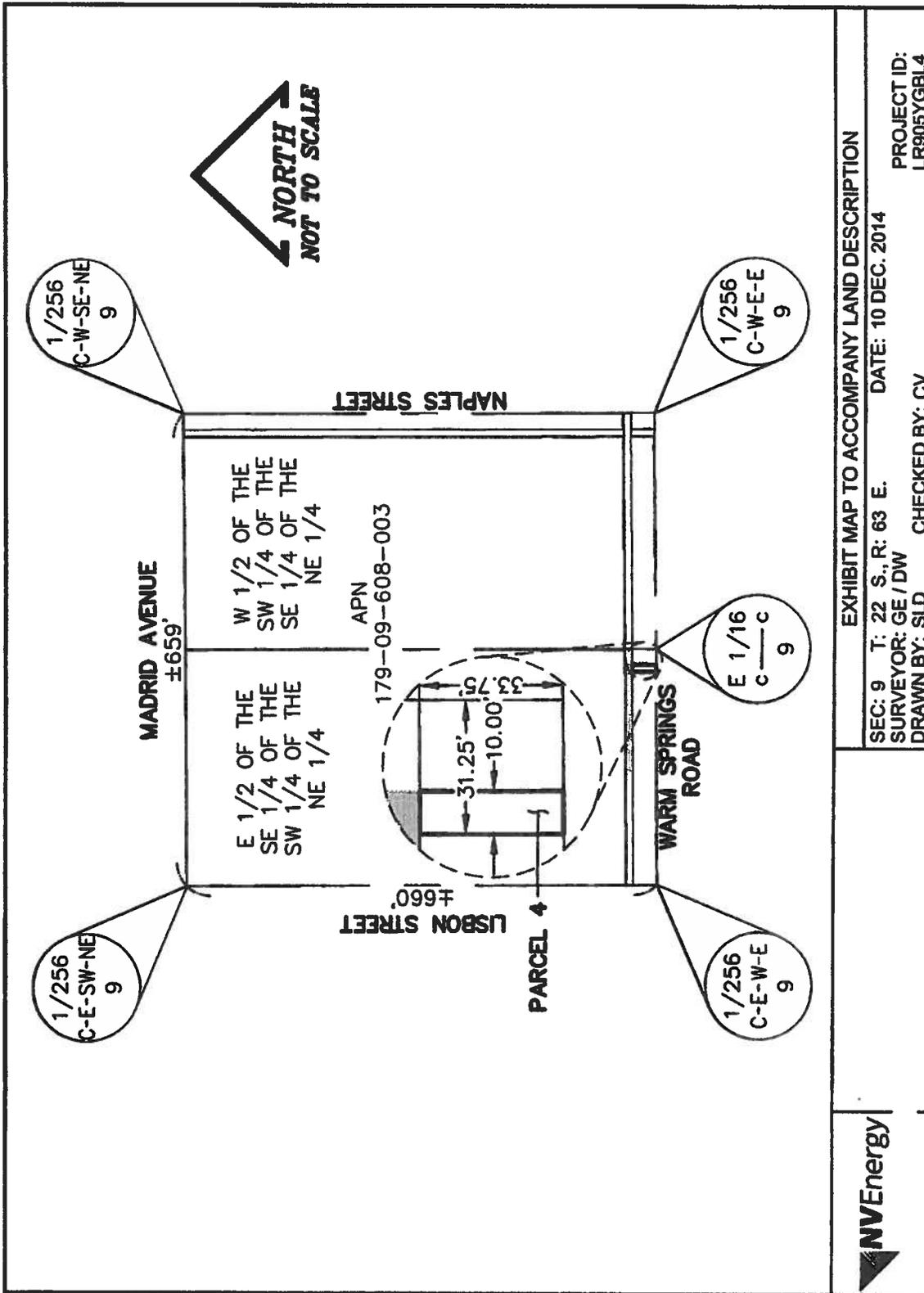
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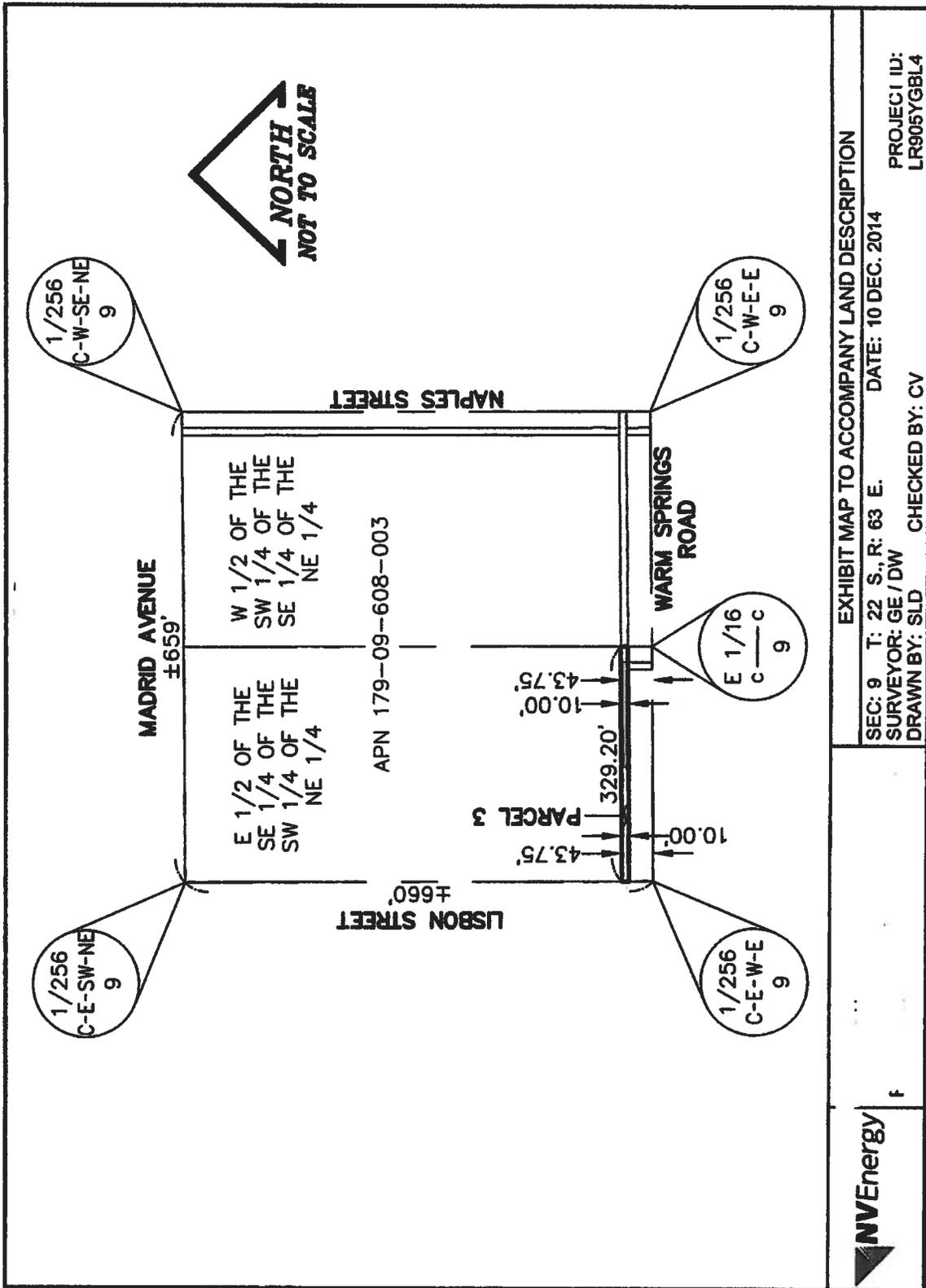
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**DRAWN BY: SLD**

**CHECKED BY: CV**

**PROJECT ID: LR905YGBL4**





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