

## **Categorical Exclusion: Christmas Tree Pass 12kV Distribution Line**

### **A. Background**

DOI-BLM-NV-S010-2015-0017-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 N. Torrey Pines Drive  
Las Vegas, Nevada 89130

LLNVS01000

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

N-93552 & N-93552-01

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

ROW grant to construct, operate, maintain, terminate, and upgrade a 12kV distribution system and a short-term right-of-way (STR) for the construction of the 12kV distribution system in order to provide safe and reliable electrical services to the BLM Christmas Tree Communication Site across public lands.

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

Project is at Christmas Tree Pass, Nevada which is located 90 miles south of Las Vegas, Nevada.

M.D.M, Nevada, T. 31 S., R. 65 E., sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

**Description of Proposed Action:** NV Energy submitted an application for a right-of-way (ROW) to construct, operate, maintain, terminate, and upgrade a 12kV distribution system and a short-term right-of-way (STR) for the construction of the 12kV distribution system in order to provide safe and reliable electrical services to the BLM Christmas Tree Communication Site across public lands. The project consists of installing one overhead 50kVA transformer and #2 triplex cable and related appurtenances. The ROW will be 10 ft wide by 80 feet long, totaling .0183 acres and the STR will be 20 ft wide by 80 ft long, totaling .04 acres. The construction of the project is expected to take about 6 months with a work-force of estimated to be 3-6 people to include linemen, laborers, and equipment operators. Construction equipment will include trucks, reel trucks and trailers, boom truck and backhoe ( estimated 2-5 vehicles).Construction activities include:

Install one 50KVA overhead transformer,connect overhead wires to new electrical facilities, and install overhead electrical cable and related appurtenances

## **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: 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 inholdings, communization's, flood control, major utility transmission lines, and related facilities.

Management Direction. Objective: RW-1-h. "All public land within the planning area, except as stated in RW-1-c through RW-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 other compatibly developed rights-of-way."

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 no further environmental analysis is required.

**D. Approval and Contact Information**



Vanessa L. Hice  
Assistant Field Manager  
Division of Lands

12/10/14  
Date

**Contact Person**

Vivian Browning, Realty Specialist  
Las Vegas Field Office  
4701 N. Torrey Pines Drive  
Las Vegas, Nevada 89130  
(702) 515-5013

Exhibit A  
Stipulations N-93552 & N-93552-01

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**1.0 Special Stipulations**

- 1.1. Due to potential for electrocution, collision and nesting/perching by migratory birds on overhead power lines, the applicant must follow Avian Power Line Interaction Committee (APLIC) guidelines (Suggested Practices for Avian Protection on Power Lines (2006) and Reducing Avian Collisions with Power Lines (2012)) to reduce this risk through facility design and comply with MBTA and other federal wildlife laws.

**2.0 General Stipulations**

- 2.1. The ROW is issued subject to all valid existing rights.
- 2.2. 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.
- 2.3. 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.
- 2.4. 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.
- 2.5. Holder shall conduct all activities associated with construction, operation, maintenance and termination of this ROW within its authorized limits.
- 2.6. 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.
- 2.7. 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.

- 2.8. 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.
- 2.9. 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.

### 3.0 Fuels/Fire Management

- 3.1. Fire restrictions are generally enacted May through October. Compliance with fire restrictions is mandatory while fire restrictions are in place. 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. Due diligence is required for maintaining a wildfire defensive space of low to zero vegetation and fuels in this area. The BLM completed a fuels treatment to reduce wildfire risk to the Christmas Tree Pass communication site complex in 2010.

#### 4.0 Visual Resources

- 4.1. The proposed action occurs in VRM Class II, which allows for only minimal levels of change to the landscape. Although, this project will be adjacent to similar developments, it is not anticipated to attract the attention of the casual observer. Please ensure that any new developments repeat the basic elements of form, line, color, and texture found in the surrounding landscape to the practical extent.

#### 5.0 Air Quality

- 5.1. 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(s).

- 5.2. During excavation, backfilling, and contouring, the disturbed soil should be wetted

sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

## 6.0 Hazardous Material/Pesticides/Liability/ Greenhouse Gas Emissions

- 6.1. 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.
- 6.2. 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.
- 6.3. 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.
- 6.4. 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.

- 6.5. 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.

- 6.6. 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.
- 6.7. 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.

## 7.0 Survey Monuments

- 7.1. 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.

- 7.2. 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.

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

- 8.1. Minimal surface disturbance in this project poses no serious threats to spread of Invasive Species / Noxious Weeds. All project actions must conform to applicable BMP's and standard BLM weed stipulations for Construction
- 8.2. Cactus and yucca are considered government property and regulated under the BLM Nevada forestry program. As the proposed project will not result in any surface or vegetation disturbance, no impacts to cactus, yucca, and other forestry products are expected.
- 8.3. 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.
- 8.4. 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.

## 9.0 **Migratory Birds**

- 9.1. 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). The BLM is directed to conserve special status species through BLM Special Status Species Manual 6840. The BLM maintains a comprehensive list of species that have risks associated with a downward population trend and/or have specialized habitats that may be at risk. Migratory birds, including the BLM sensitive species and their nests, may be present near the project site. Migratory birds may be displaced by noise disturbance

during construction, operation and/or maintenance activities. Since the project is mostly disturbed, direct impacts are not anticipated. Impacts to BLM Sensitive Species are not anticipated to lead to further decline of the species range wide

## **10.0 Fish and Wildlife**

- 10.1. Wildlife species in the general area include mammals, birds, reptiles, and invertebrates. Additionally, the BLM is directed to conserve special status species through BLM Special Status Species Manual 6840. The BLM maintains a comprehensive list of species that have risks associated with a downward population trend and/or have specialized habitats that may be at risk. Wildlife, including BLM sensitive species, may be displaced as work is completed within the project area. The primary direct impacts of the proposed action on wildlife would be killing or maiming of ground dwelling animals during construction, operation, and/or maintenance activities, displacement of individuals, and increased potential for harassment of wildlife. Indirect impacts may include noise, increased erosion, and spread of weeds by the construction, operation and/or 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 should have a negligible impact on populations of the species range wide. Impacts to BLM Sensitive Species are not anticipated to lead to further decline of the species range wide.

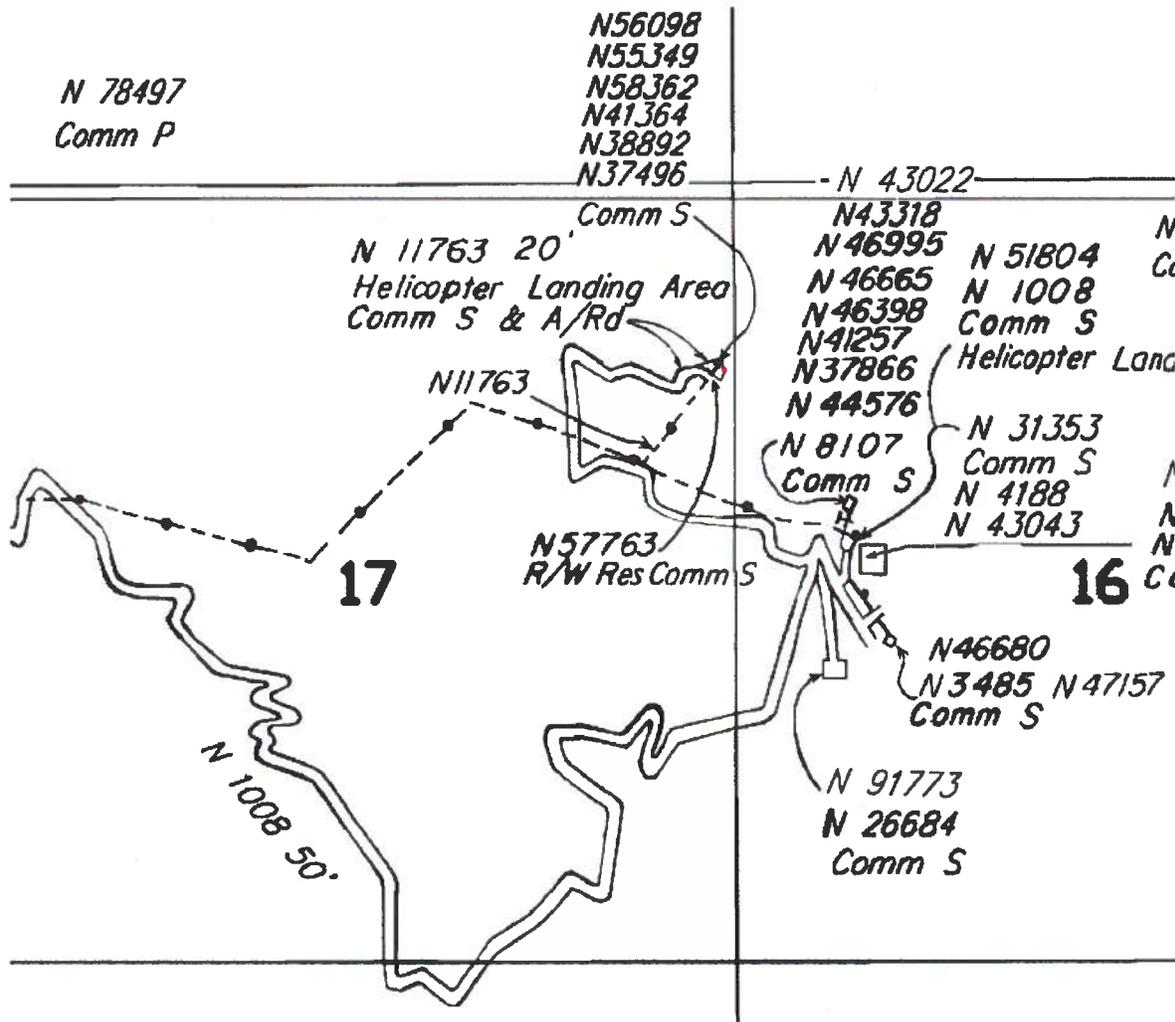
## **11.0 Threatened and Endangered Wildlife and Plant Species Stipulations**

- 11.1. The proposed action has a no effect determination for the federally threatened desert tortoise and a no effect determination for its designated critical habitat, as the project is outside of this range. No impacts to desert tortoises are expected and no remuneration fees are required. This notice will serve as the Section 7 Determination (Sec 7 Log # NV-052-15-023).



ROW- 12kV  
overhead  
distribution line

BLM CHRISTMAS TREE RADIO SITE



- 12kV overhead line

