

**U.S. Department of the Interior
Bureau of Land Management**

Finding of No Significant Impact

FONSI

July 2010

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Southern Nevada District Office
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada
702-515-5172 Office
702-515-5010 Fax



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Chapter 1. Finding of No Significant Impact

1.1. Apex Solar Power — 69kV Gen-Tie Transmission Line Project

DOI-BLM-NV-S010–2010–0149–EA; Case File N–88313

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-S010–2010–0149–EA dated July 2010. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined that the proposed action is in conformance with the approved Las Vegas Resource Management Plan, signed October 1998; and is consistent with applicable plans and policies of county, state, tribal and Federal agencies. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

1.2. Context:

The lands proposed for the Fotowatio Nevada Solar, LLC (Fotowatio), Apex Solar Power 69kV Gen-Tie Transmission Line Project are located in an area known as Apex, which is located within the boundaries of the City of North Las Vegas. Fotowatio submitted a right-of-way (ROW) application on April 1, 2010 for a transmission line to interconnect with their proposed Apex Solar Power project. The transmission line ROW request is located on public lands administered by BLM at Mount Diablo Meridian, Clark County Nevada, Township 18 South, Range 63 East, Section 17, Lots 3, 4, 6, and 8.

The requested long-term ROW width is 60 feet (30 feet each side of the center—line of the proposed transmission line) x 1,100 feet. The short-term ROW (STROW) is 40 feet (20 feet on each side of the long-term ROW) x 1,100 feet ROW would be required during construction. The proposed transmission line ROW, would include 1.52 acres of ROW and 2.53 acres of STROW. The proposed transmission line would take approximately 2 to 3 months to construct, and would be operational for at least 30 years. The ROW application request is for 30 years, with a right to renew.

The proposed project has a connected action, the Apex Solar Power project, which is located on private lands within the jurisdiction of the City of North Las Vegas, Nevada. This is a non-federal action interconnected to the federal action, the transmission line. The Apex Solar Power Project is a proposed 20 MWac (24.9 MWdc) photovoltaic solar power facility located entirely on private land within the Apex Industrial Park in the City of North Las Vegas, Nevada.

1.3. Intensity:

1. Impacts that may be both beneficial and adverse.

The proposed project is expected to generate about 54,670 kWh/year of clean electricity that could power over 5,000 homes annually, while helping Nevada comply with its progressive renewable portfolio. The clean electricity will off-set approximately 32, 841 tons of CO₂ per year as well as 0.55 tons of methane and 0.23 tons of nitrous oxide. Approving the 69kV

gen-tie transmission line on Federal lands to connect to the proposed Apex Solar Power Project on non-federal lands will further renewable energy development and lower green house gases and fossil fuel dependency, thus resulting in an overall beneficial environmental impact.

The proposed project would result in the permanent loss of 1.52 acres and the temporary loss of 1.01 acres of desert tortoise and wildlife habitat. The resulting impacts will be minimized through compliance with the terms and conditions of the USFWS approved Programmatic Biological Opinion for Multiple Use Activities (1-5-97-F-251).

2. The degree to which the proposed action affects public health or safety.

The proposed action to authorize a ROW to construct, operate, maintain and terminate a 69kV transmission line on Federal lands does not directly affect the public health and safety. The issuance of a ROW is an administrative action and has no direct affect on the environment.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

A cultural survey was completed on May 3, 2010 and there are no cultural resources located in this proposed project area or the connected action area. The proposed project and the interconnect transmission line are west of the BLM Coyote Springs ACEC. There are no park lands, prime farmlands, wetlands, wild or scenic rivers located in the proposed project area.

4. The degree to which the effects on the quality of the human environment are likely to be controversial.

The proposed project, the transmission line, is located in a BLM designated utility corridor N-52787. The connected action is located on non-federal lands administered by the City of North Las Vegas and is zoned for industrial development. Both actions are consistent with the designated land uses and do not affect the quality of the human environment.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The granting of a transmission line ROW for interconnection purposes is a routine action. The proposed project, the transmission line does not involve any unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed project, the transmission line, is located in a BLM designated utility corridor N-52787. Apex is an industrial park bordered on the west side by this BLM designated utility corridor; it is therefore reasonable to foresee other ROW applicants using the corridor as a interconnection point from the non-federal lands.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The proposed project, the transmission line, is a connected action involving the Apex Solar Power Project. This connected action is located on private lands administered by the City of North Las Vegas. It will use approximately 154 acres of lands zoned as industrial.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources.

A cultural resources inventory was conducted on the requested ROW lands and the lands associated with the connected action. There were no cultural resources identified.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.

The proposed project will have an effect on endangered or threatened species. A biological survey was conducted of the proposed site for wildlife and plants. The BLM has identified mitigation measures to reduce the effect of the identified endangered or threatened species.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed project would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The proposed project is in conformance with 43 Code of Federal Regulations. The proposed project would not violate the Migratory Bird Treaty Act or Endangered Species Act.

Section 7 Consultation for the proposed project and the associated connected solar facility is covered under the Programmatic Biological Opinion for Multiple Use Activities (1-5-97-F-251). All practicable means to avoid or minimize environmental harm and unnecessary or undue degradation of the public land are inherent to the proposed action.

1.4. Approval:

Name:	Signature:	Date:
Beth Ransel Acting Assistant Field Manager, Lands Division, Las Vegas Field Office		