

**Decision Record**  
DOI-BLM-NV-S010-2016-0048-EA  
N-94582 & N-94614

**Selected Action**

It is the decision of the Bureau of Land Management (BLM) to approve issuance of rights-of-way (ROW) grants in support of the construction, operations, maintenance and decommissioning of Dev Loop and the associated transmission line. These grants are in response to the ROW applications submitted by Hyperloop Technology, Inc. for a transportation test system, known as Dev Loop, and NV Energy for the associated transmission line. In connection with the ROW application the BLM has prepared an Environmental Assessment (EA) (DOI-BLM-NV-S010-2016-0048-EA) to meet the requirements of the National Environmental Policy Act.

*Description*

The selected action is the proposed action as described in DOI-BLM-NV-S010-2016-0048-EA. The Proposed Action consists of Hyperloop Tech's Dev Loop (Dev Loop) and NV Energy's 138/69kV transmission line (transmission line). The Dev Loop includes three primary components: the guideway, distribution line, and an access road. In order to test the soils for siting of each component of the proposed project, geotechnical investigations would be required and would take place prior to construction activities. The transmission line includes two (2) guyed wood poles, two (2) spur roads, two (2) steel structures, an access road, a temporary overland travel path, and three (3) temporary pulling and tension sites.

See Appendix A and B for applicant proposed and BLM mitigation measures.

**Finding of No Significant Impact**

As explained in the Finding of No Significant Impact (FONSI), the impacts of the Selected Action have been analyzed in the EA and determined not to result in significant impacts to the quality of the human environment, individually or cumulatively with other actions in the general area under NEPA.

**Decision Rationale**

Under Federal law, the BLM is responsible for approving ROW grant applications to determine whether and to what extent to authorize proposed projects on land it manages. Hyperloop Technology, Inc. and NV Energy applied for a ROW grant from the BLM pursuant to federal law and regulations. Based on the information in the EA, the FONSI, the Project record, and consultation with BLM staff, I have decided to approve the Selected Action as described and analyzed in DOI-BLM-NV-S010-2016-0048-EA which includes a ROW grant for the Dev Loop project and the associated transmission line.

As explained in the FONSI, the impacts of the Selected Action have been analyzed in the EA and determined not to result in significant impacts to the quality of the human environment, individually or cumulatively with other actions in the general area under NEPA. This decision is

conditioned on the implementation of all mitigation measures identified in appendix A and B of this document, and incorporated as terms and conditions of the ROW grant.

Failure of the applicant to adhere to these mitigation measures or other terms and conditions in the ROW grant could result in administrative actions up to and including termination of the ROW grant and a requirement to relocate or remove the facilities and rehabilitate disturbances. These measures, terms and conditions are determined to be in the public interest pursuant to 43 CFR 2805.10(a)(1). All practicable means to avoid or minimize environmental harm have been adopted under this decision.

### **Administrative Remedies**

Administrative remedies may be available to those who believe they will be adversely affected by this decision. 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 BLM 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 regulation 43 CFR 2801.10 or 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 appropriate 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.

*Philip Rhinehart*

*3-23-2016*

Vanessa L. Hice, Assistant Field Manager Lands Division Date  
Las Vegas Field Office

*Acting  
for*