

Finding of No Significant Impact
DOI-BLM-NV-S010-2016-0048-EA
N-94582 & N-94614

Introduction

This Finding of No Significant Impact (FONSI) addresses the issuance of right-of-way (ROW) grant under Title V of the Federal Land Policy and Management Act, for a proposed transportation test system and associated transmission line on public lands under the jurisdiction of the Bureau of Land Management (BLM), Las Vegas Field Office. An Environmental Assessment (DOI-BLM-NV-S010-2016-0048-EA) has been prepared to disclose and analyze the environmental effects of the transportation test system and associated transmission line. Authorizations for ROW grants are regulated by BLM in accordance with 43 Code of Federal Regulations (CFR) Section 2800 et seq., consistent with Department of the Interior and BLM policies and the Las Vegas Resource Management Plan (RMP) (1998, as amended).

Selected Alternative

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.

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The Las Vegas Field Office interdisciplinary review and analysis of DOI-BLM-NV-S010-2016-0048-EA determined that the proposed action would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis.

Based on the findings discussed herein, I conclude that the proposed action is not a major Federal action and will result in no significant impacts to the environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in applicable land use plans. Therefore, preparation of an environmental impact statement (EIS) to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met. "Significantly" as used in NEPA requires considerations of both context and intensity.

In making this FONSI, the following criteria have been considered, in accordance with the CEQ.

Context:

This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long term effects are relevant.

Environmental impacts associated with the proposed action and alternatives have been assessed by an interdisciplinary team and described in DOI-BLM-NV-S010-2016-0048-EA. The context of the EA analysis was determined to be at a local and regional scale in Imperial County, California. The effects of the action are not applicable on a national scale since no nationally significant values were involved.

Intensity:

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.

Beneficial Effects: As described in the EA, the Dev Loop test system would allow Hyperloop Tech to examine advancements in propulsion, tube design and fabrication, levitation systems, pod designs and thermodynamics and systems engineering. These advancements will guide Hyperloop Tech in creating innovative solutions for efficient travel.

Adverse Effects: The construction, operation, and maintenance of the Dev Loop and transmission line may impact resources as described in chapter 3 of the EA. These potential impacts include increased risk of wildfire and the spread of noxious weeds, temporary impacts to visual resources, indirect impacts to wildlife and their habitat, impacts to soil resources and vegetation. Through the implementation of mitigation measures, temporary and permanent impacts will be minimized to levels of less than significant.

2) The degree to which the selected alternative will affect public health or safety.

The environmental analysis documented no significant effects on public health and safety from any of the actions described in the proposed action. Mitigation measures to control particulate matter during construction will minimize potential public health effects.

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

The EA evaluated the area of the proposed action and determined no unique geographic characteristics such as Wild and Scenic Rivers, Prime or Unique Farmlands, Areas of Critical Environmental Concern, designated Wilderness areas, or Wilderness Study Areas were present or within the immediate vicinity. Implementation of the proposed action will have no effect on such resources.

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

Under (40 CFR 1508.27(b) (4)), “You must consider the degree to which the effects are likely to be highly controversial. Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among the alternatives. There would always be some disagreement about the nature of the effects for land management actions, and the decision-maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly controversial. Substantial dispute within the scientific community about the effects of the proposed action would indicate that the effects are likely to be highly controversial.”

Effects on the quality of the human environment from authorizing the selected action are not likely to be highly controversial from a scientific perspective. The action of granting a right-of-way, for any purpose, is one which may evoke strong emotional responses in some people. However, granting of a right-of-way for development of a transportation test system and transmission line with a conservative environmental footprint is both a permissible use of public land and not likely to evoke significant negative responses.

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

Because there is always some uncertainty and risk regarding the effects of land management actions, the decision-maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly uncertain and risks are unique or unknown (BLM NEPA Handbook, Section 7.3). The selected action is not unique or unusual, and understanding of the resources in the area is thorough. The effects of a transportation test system and transmission line construction and maintenance activities are well understood and the BLM has extensive experience evaluating the environmental effects associated with right-of-way authorizations. The environmental analysis did not identify any highly uncertain, unique, or unknown risk effects on the human environment which would result from authorizing the project.

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.

Decision makers must consider the degree to which the action may establish a precedent for future reasonably foreseeable actions with significant effects or represents a decision in principle about a future reasonably foreseeable condition (BLM NEPA Handbook, Section 7.3). After thorough analysis, as reflected in the EA, and implementation of the mitigation measures identified for the selected action, it is determined that the selected action would result in no significant unmitigated effects. This conclusion is based on the specific facts of this project and does not set precedent for, or automatically applies to future transportation test systems or transmission line ROWs that the BLM is reviewing. Any similar action must be evaluated through an appropriate site-specific environmental review and decision making process consistent with applicable law, regulation, policy, and land use plan guidance. This project neither establishes a precedent nor represents a decision in principle about future actions. The granting of rights-of-way on federal lands for use by private entities is a long standing process. A

decision to grant would not limit later resource management decisions for areas open to development proposals.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.

The EA considered various types of past, present, and reasonably foreseeable projects on both public and private land within the geographic area of the selected action. A cumulative impacts discussion for each resource is included in Chapter 3 of the EA. No significant site specific or cumulative impacts associated with the Dev Loop or transmission line have been identified that could not be avoided through mitigation, or that are inconsistent with those identified within the Las Vegas RMP.

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

To comply with section 106 of the National Historic Preservation Act, the BLM Archaeologist conducted an existing data and archival review. All portions of the proposed Dev Loop and transmission line area have been evaluated for historic properties within the last twenty years. There are no historic properties within the Direct Effects Area of Potential Effects (APE) and loss or destruction of significant scientific, cultural, or historical resources will not occur.

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 Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.

As explained in Chapter 3 of the EA, the construction and operation of the Dev Loop and the transmission line may result in potential impacts to federally listed, threatened, or endangered and BLM sensitive species habitat. However, potential impacts will be mitigated to below the level of significance by the measures described in Chapter 3 of the EA.

10) Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.

The Selected Alternative does not violate any known federal, state, local, or tribal law or requirement imposed for the protection of the environment. According to the BLM NEPA Handbook (Section 7.3), this factor often overlaps with others, such as the "public health" factor. The project will not violate environmental laws as documented in the EA and in this FONSI.

Approved by:

Philip Rheinhart

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

3-23-2016

Date

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for