

Appendix F

Responses to Comments

Appendix F: Responses to Comments

Comments were accepted on the *New Pass Peak Distribution Line Project* Environmental Assessment (EA), DOI-BLM-NV-C010-2015-0030-EA, for a 30 day period from April 13, 2016 through May 13, 2016; although comments received in a timely manner after this date were also considered.

A letter stating the availability of the EA was sent to 14 entities on the BLM's Interested Public Mailing List on April 13, 2016. This mailing list included various organizations, elected officials, utility providers, grazing permittees, tribes, and individuals. Additional notification of the availability of the EA was made through the Nevada State Clearinghouse to 89 federal and state agencies on April 13, 2016. The Carson City District (CCD) Stillwater Field Office (SFO) published a news release on April 13, 2016 that was sent to media outlets listed on the Nevada BLM State Office media list.

The Fallon Paiute Shoshone Tribe was notified of the proposed project with a letter sent on February 4, 2015. The letter included a description of the proposed project, a map of the project location, and an invitation for comments or feedback regarding the project. No formal response detailing any concerns has been brought forward by the Tribe to date, but consultation is ongoing.

Although not required for an EA by regulation, an agency may respond to substantive and timely comments. Substantive comments: 1) question, with reasonable basis, the accuracy of information in the EIS or EA; 2) question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis; 3) present new information relevant to the analysis; 4) present reasonable alternatives other than those analyzed in the Environmental Impact Statement (EIS) or EA; and/or 4) cause changes or revisions in one or more of the alternatives. No response is necessary for non-substantive comments (BLM, 2008). All comments were reviewed, considered, and then categorized into topics when feasible. Distinct topics and comments are summarized in Table 1.

Comment letters were received from four (4) federal and state agencies through submissions from the ePlanning webpage and the Nevada State Clearinghouse, and by mail, email, and fax. The Federal agency that commented was the Naval Air Station Fallon and Naval Aviation Warfare Development Command (Navy). State agencies that commented were the Nevada Division of Water Resources (NDWR), Nevada State Historic Preservation Office (NV SHPO), and Nevada Division of State Lands (NDSL). Minor non-substantive changes were made to the EA as a result of the agency letters (noted in the response table below). None of the comments received warranted changes to the analysis.

Form Letters

No form letters were received on the project via email or mail.

Agency Comments

Comment letters were received from four federal and state agencies, as described above, including the Navy, NDWR, NV SHPO, and NDSL. Minor non-substantive changes were made to the EA as a result of the agency letters (noted in the response table below).

Individual Comments

No comments from individuals were received on the project via email or mail.

Table 1: Response to Comments Received on the *New Pass Peak Distribution Line Project EA*

#	Commenter	Comment	BLM Response
1	Naval Air Station Fallon and Naval Aviation Warfare Development Command (Navy)	The Navy noted the proposed distribution line is an area utilized by Navy aircraft assets and requests project coordination of construction and operation of the distribution line to ensure safety and minimize impacts to training operations.	Comment noted. The BLM, in coordination with NV Energy, would ensure appropriate project coordination occurs to ensure safety and minimize impacts to Navy training operations.
2	Navy	The Navy indicated the airspace above the project site falls within a Restricted Area R-4816N with a floor of 1,500 feet, and Fallon North 2 Military Operating Areas with a floor of 100 feet. They state low altitude training aircraft can be expected during both day and night time and request all construction equipment, cranes, and drill rigs taller than 40 feet be continually lit with Night Vision Device (NVD) compatible obstruction lighting. The Navy provided information on compliant lighting requirements. They also point out the distribution line could present a potential obstacle to low altitude aircraft and the Navy requests transmission lines in no case be higher than 100 feet in order to maintain adequate separation from low altitude aircraft.	Comment noted. The proposed project would be constructed well below the 100 feet military operation area. A description of the overhead distribution line, including height of the poles, is included in Chapter 2, Section 2.1.1, <i>Permanent Project Features</i> of the Environmental Assessment. The majority of the poles would measure 45 feet tall; 6.5 feet would be buried and approximately 38.5 feet would be aboveground. Further, all construction activities proposed would occur during the day and no construction equipment greater than 40 feet tall will be parked overnight within the Project Area.
3	Nevada Division of Water Resources (NDWR)	The NDWR noted that all waters of the State belong to the public and may be appropriated for beneficial use, pursuant to the provisions of Nevada Revised Statutes (NRS) Chapters 533 and 534.	Comment noted. The water used for the proposed project would be obtained by the construction contractor from an approved source in either Fallon or Austin, Nevada. This clarification has been added to Chapter 2, Section 2.1.1, <i>Permanent Project Features</i> and to Section 2.1.6, <i>Project Environmental Protection Measures</i> in the Final EA.
4	NDWR	The NDWR outlined that any water used on the project for any use must be authorized under a permit or temporary change application or waiver issued by the State Engineer's Office with a manner of use acceptable for suggested project water needs.	Comment noted. Refer to the response to comment No. 3.
5	NDWR	The NDWR states any water used on the project for construction, dust control, or maintenance should be provided by an established utility or under permit or waiver issued by the State Engineer's Office.	Comment noted. Refer to the response to comment No. 3.
6	NDWR	The NDWR states water diversions from any source, monitoring wells and boreholes located on the project lands are the responsibility of the owner of the property and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code.	Comment noted. Refer to the response to comment No. 3.
7	NDWR	The NDWR states water wells must be permitted, monitor wells require a waiver from	Comment noted. Refer to the response to comment No. 3.

#	Commenter	Comment	BLM Response
		the State Engineer's Office, and boreholes are not regulated, but must be plugged within sixty (60) days after being drilled as required by NAC 534.4371.	
8	NDWR	The NDWR states if artesian water is located in any well or borehole it shall be controlled as required in NRS 534.060(3).	Comment noted. Refer to the response to comment No. 3.
9	NDWR	The NDWR states dewatering for alleviation of hazards caused by the rise of ground water from secondary recharge is provided by the provisions of NRS 534.025 and NRS 534.050(2).	Comment noted. Refer to the response to comment No. 3.
10	Nevada State Historic Preservation Office (NV SHPO)	The NV SHPO stated they support the environmental document as written.	Comment noted.
11	Nevada Division of State Lands (NDSL)	The NDSL provided comments regarding the lighting for the proposed project. They requested consideration of cumulative visual impacts from development activities (temporary and permanent), including the proliferation of improper lighting.	Comment noted. The proposed project does not include nighttime lighting. However, a summary of project environmental protection measures is included in Chapter 2, Section 2.1.6, <i>Project Environmental Protection Measures</i> . Further, as visual resources are located within the project area; potential effects to this resource are discussed in Chapter 3, Section 3.9, <i>Visual Resources</i> .
12	NDSL	<p>The NDSL requested the following mitigation measures be required if nighttime lighting is utilized:</p> <ul style="list-style-type: none"> • Utilize consistent lighting mitigation measures that follow "Dark Sky" lighting practices • Effective lighting should have screens that do not allow the bulb to shine up or out. All proposed lighting shall be located to avoid light pollution onto any adjacent lands as viewed from a distance. All lighting fixtures shall be hooded and shielded, face downward, located within soffits and directed on to the pertinent site only, and away from adjacent parcels or areas. • A lighting plan should be submitted indicating the types of lighting and fixtures, the locations of fixtures, lumens of lighting, and the areas illuminated by the lighting plan. 	Comment noted. Refer to the response to comment No. 11.