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In Reply Refer To:
N-88360, N-88368
Nev 062889
2800 (NVB0200)

MAR 09 2011

Dear Interested Parties:

Pursuant to the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations for implementing NEPA, the Bureau of Land Management (BLM) Tonopah Field Office, has prepared an Environmental Assessment (EA) which analyzes the impacts of a proposed Right-of-Way (ROW) and amendment, located near Beatty, Nevada.

The EA assesses the impacts of a proposal by Valley Electric Association, Inc. (VEA), to build a new power distribution line which would upgrade its current distribution system to provide a more reliable power source to its present customers along the current route and to the Nevada Test and Training Range (NTTR). The United States Air Force is collaborating with VEA to build the facilities. The BLM would grant a ROW to VEA to build and operate a 20.5 mile long, 24.9 kilovolt overhead distribution line from the Beatty Substation located on private land in T. 12 S., R. 47 E., to the cutoff at Tolicha Peak, located at T. 9 S., R. 46 E., Mount Diablo Meridian, Nevada, for the purpose of providing power to the NTTR.

The construction of the power line would begin at the Beatty Substation located in the Town of Beatty; heading northeast along the uplands, veering west of the Amargosa River area, to rejoin the existing route north of Springdale. The line continues northwesterly, paralleling with the existing power line to its final termination point at the Air Force facilities located on NTTR. The project area would be mostly situated on land administered by the BLM.

In addition to the distribution line, VEA would install an optical ground wire (OPGW) on the proposed distribution line. The power line and fiber optic line would insure the Air Force a more reliable power source in the future for Air Force operations on the Electronic Combat Range. This Range is part of the NTTR, Nellis Air Force Base. The installation of the OPGW would not require new right-of-way as this line would be installed on the existing transmission structures.

The EA will be available for a 30-day public comment period. Written comments on this EA will be accepted at the above address until 4:30 p.m., April 8, 2011. The EA can be viewed on the BLM Battle Mountain District website at: http://www.blm.gov/nv/st/en/fo/battle_mountain_field/blm_information/national_environmental.html.

Before including your address, phone number, e-mail, or other personal identifying information in your comment, you should be aware that your entire comment — including your personal identifying information — may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

If you have any questions or to obtain a hard copy of this document, please contact Alan Buehler, Supervisory Geologist at the above address or at (775) 482-7800.

Sincerely,

Thomas J. Seley
Field Manager

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

**Environmental Assessment DOI-BLM-NV-B020-2010-0101-EA
DATE: March 2011**

**VALLEY ELECTRIC ASSOCIATION
24.9 kV DISTRIBUTION LINE PROJECT
BEATTY TO TOLICHA PEAK**

ENVIRONMENTAL ASSESSMENT

**File Number: N-88360 (Permanent ROW)
File Number: N-88568 (Short-Term ROW)**



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It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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ACRONYMS

Ac	acre
APE	area of potential effect
AUM	Animal Unit Month
BAPC	Nevada Bureau of Air Pollution Control
BAQP	Nevada Bureau of Air Quality Planning
BLM	United States Bureau of Land Management
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Register
CIC	Construction Inspection Contractor
CNIDC	Central Nevada Interagency Dispatch Center
CWA	Clean Water Act
EA	Environmental Assessment
EJ	Environmental Justice
EIAP	Environmental Impact Analysis Process
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FLPMA	Federal Land Policy Management Act
FONSI	Finding of No Significant Impact
ft	feet/foot
GIS	geographic information system
GLO	General Land Office
ha	hectare/hectares
HMA	herd management area
km	kilometer/kilometers
kV	kilovolt
mi	mile/miles
m	meter/meters
MBTA	Migratory Bird Treaty Act
MOU	Memorandum of Understanding
MSL	mean sea level
NAAQS	National Ambient Air Quality Standards
NDEP	Nevada Division of Environmental Protection
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NNHP	Nevada National Heritage Program
NRHP	National Register of Historic Places
NTTR	Nevada Test and Training Range
NVCRIS	Nevada Cultural Resource Information System
OHV	off highway vehicle
OPGW	optical ground wire – fiber optic
POD	Plan of Development
RMP	Resource Management Plan
ROD	Record of Decision
ROW	Right-of-way
RV	Recreation Vehicle

SHPO	State Historic Preservation Office
TFO	Tonopah Field Office
USAF	United States Air Force
USDI	United States Department Interior
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
VEA	Valley Electric Association, Inc.
VRM	Visual Resource Management

1.0 INTRODUCTION

This Environmental Assessment (EA) is prepared pursuant to Section 102 of the National Environmental Policy Act of 1969 (NEPA), as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ, 1978), and the Bureau of Land Management's National Environmental Policy Act Handbook H-1790-1 to ensure compliance with NEPA and CEQ regulations. Since the United States Air Force (USAF) would be providing funds for the implementation of the proposal, it also has been prepared pursuant to 32 CFR Part 989, (which defines the Air Force's Environmental Impact Analysis Process (EIAP)). The objective of NEPA is to ensure that the federal decision-making process recognizes natural and cultural resources and considers the potential environmental impacts of proposed actions before decisions are made and actions are taken. Therefore, this EA contains an explanation of the proposed action, an evaluation of the natural and cultural resources present, a description of alternative actions, and an estimate of the environmental impacts of all alternative actions. Also, it provides sufficient evidence and analysis to determine whether or not to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI) (40 CFR 1508.9). The proposed action would comply with all requirements contained in the Clean Air Act (CAA), Clean Water Act (CWA), Endangered Species Act (ESA), and National Historic Preservation Act (NHPA).

This EA tiers to and incorporates by reference the Tonopah Resource Management Plan (RMP) Environmental Impact Statement (EIS) (1997). It evaluates only those natural, cultural and socio-economic resources that could be affected by the granting of the required rights-of-way and construction of the proposed distribution facilities.

1.1 Background

Valley Electric Association, Inc. (VEA), incorporated in 1965, is member-owned, non-profit cooperative corporation based in Pahrump, Nevada. VEA's service territory is vast, including more than 6,800 square miles of land, located mainly along the California-Nevada border. In the south, the service area starts in Sandy Valley, southwest of Las Vegas, and extends for more than 250 miles to Fish Lake Valley (roughly half-way to Reno) and beyond. Currently, VEA provides electricity to over 17,000 members and to a total of over 22,000 meters.

VEA is proposing to construct a new 24.9 kV double-circuit distribution line from the VEA Beatty Substation to Tolicha Peak Air Force facilities located on the western side of the Nevada Test and Training Range (NTTR). In addition, an Optical Ground Wire (OPGW)/fiber optic line would be located on the proposed power line. The fiber optic line would provide improved long distance distribution of communications data between the headquarters of the Nellis Air Force Base (located outside of Las Vegas, Nevada) and NTTR. Once the power line/fiber optic Right-of-Row (ROW) moves onto Air Force property, Air Force regulations for permitting the power line ROW apply and would be used to complete that portion of the ROW. The installation of the OPGW would not require an additional new right-of-way as this line would be installed on the proposed distribution structures. The OPGW would be installed for the sole use of the USAF.

Portions of the existing power line (Nev 066289) currently providing power to the USAF at Tolicha Peak (and several private customers along the route) would be decommissioned within the Amargosa River area.

The construction of the power line would begin at the Beatty substation located in the Town of Beatty; heading northeast along the uplands, veering west of the Amargosa River area, to rejoin the existing route north of Springdale. The line continues northwesterly, paralleling with the existing power line to its final termination point at the Air Force facilities located on NTTR. The project area would be mostly situated on land administered by the BLM. The project area is shown on Figure 1, page 6.

The power line and fiber optic line would insure the Air Force a more reliable power source in the future for Air Force operations on the Electronic Combat Range. This Range is part of the NTTR, Nellis Air Force Base. The proposed project would require VEA to install a small secured substation consisting of an area of approximately 100 feet by 100 feet with an enclosed 24.9 kV transformer cabinet at the end of project, located on NTTR.

The power line and the supporting maintenance and construction roads cross public lands managed by the TFO of the BLM. Therefore, VEA has filed a plan of development (POD) and an SF-299 right-of-way (ROW) application with the TFO to construct, operate and maintain the power line and associated facilities.

1.2 Purpose of the Proposed Action

The BLM's purpose is to consider approval of an application for a grant of right-of-way for electrical distribution facilities as authorized under Title V, Section 501 of the Federal Lands Policy Management Act (FLPMA) of 1976. Further, the BLM would assess the proponent's objectives while preventing undue and unnecessary degradation to the environment in accordance with the objectives defined by 43 CFR 2810.2(a-d).

The proponent's (VEA) primary objective is to satisfy a pre-development contract with the USAF to construct new and upgraded distribution facilities, in an effort to provide reliable and cost-effective electrical energy and communications service to the northwest boundary of the NTTR, in an effort to support the Department of Defense missions within the NTTR.

In addition, service reliability would also be improved for residents of the community of Beatty. The removal of a section of the right-of-way from the Amargosa River area would also enhance habitat for the sensitive Amargosa Toad (4.3 acres returned to habitat).

1.3 Need for the Proposed Action

The BLM needs to consider approval of the application for a grant of right-of-way to respond to its mandate under the FLPMA to manage the public lands for multiple uses in a manner which recognizes the Nation's need for reliable electrical energy distribution and its need to support a viable and effective national defense. Critical to the latter is the Department of Defense's missions on the NTTR. Some of the electronic equipment on the NTTR is run by operation of

relatively small on-site electrical energy generation equipment. Reliability of electrical energy is critical to defense missions on the NTTR. VEA would meet the USAF's need for a reliable and cost effective primary external source of electricity as a result of this proposed action.

When completed, the 24.9 kV Distribution Project would provide reliable electrical service to Beatty residents and increased electrical capacity to the USAF, and would minimize distribution line energy losses and adverse environmental impacts. It would also provide more reliable, longer-distance distribution of communications service to the USAF in an economically viable manner.

1.4 Decision to be Made

The TFO's Field Manager's decision to be made is whether to, 1) grant the right-of-way unconditionally, through additional mitigation or stipulations, including, but not limited to, use of timing restrictions, surface use restrictions, relocation or configuration of the right-of-way grant, or 2) deny VEA's ROW application for a ROW. The decision would be made through consideration of the results of this environmental analysis conducted under the NEPA and other applicable federal, state, or local laws or requirements.

1.5 Relationship to Planning and Conformance with Land Use Plans

The proposed action is in conformance with the Tonopah Record of Decision (ROD) and Approved Resource Management Plan (October 2, 1997). Although the proposed action is not specifically provided for in the Resource Management Plan (RMP), it is clearly consistent with the Goals and Objectives of the RMP which are to:

- Manage public lands in a manner that meets public, local, state and federal agency needs for use authorizations such as rights-of way, permits, leases, and easements while avoiding or minimizing adverse impacts to other resource values and;
- To respond to public, local, state and federal agency needs for land for community development, utility and other associated rights of way, communication sites, and other allowed uses of BLM administered lands.

The BLM has the responsibility to manage the surface and subsurface resources on public lands located within the jurisdiction of the TFO. Page 19, number 6, Tonopah RMP, Record of Decision states in part:

“... All other lands within the Tonopah Planning Area in which there are no unresolvable conflicts with other resource values would be open to consideration for linear or areal rights-of-way, leases and land use permits.”

The Tonopah RMP and ROD is the Tonopah Field Office's planning document required by the FLPMA. A copy of the RMP is available for review at the BLM Tonopah Field Office, 1553 S. Main Street, Tonopah, NV.

On April 3, 1985, the Nye County Board of Commissioners adopted a county policy plan for public lands under the Nevada Statewide Policy Plan for Public Lands authorized by Senate Bill 40. Senate Bill 40 directs the State Land Use Planning Agency to work together with local planning entities to prepare local plans and policy statements regarding the use of Federal land in Nevada.

The Nye County Policy Plan states: “Public lands should continue to be made available for state and local government purposes.” It further indicates that the BLM should consider corridors for communications and transportation need to be planned for in harmony with other multiple uses on public lands

The proposed power line corridor is in full compliance with Air Force regulations and land use plans.

1.6 Other Applicable Statutes, Regulations, Policies, Plans, and Environmental Analyses

The Federal Land Policy and Management Act of 1976 (FLPMA) 90 Stat. 2750, 43 (USC) 1701, 1713, and 1719, was passed to authorize BLM’s management of public lands. The applicant has requested a ROW be granted under the authority of FLPMA, Title V.

FLPMA, Section 501(a)(4) gives BLM the authority to grant, issue or renew a ROW over, upon, under, or through public lands for “systems for generation, transmission, and distribution of electric energy...” Title 43 CFR 2800 allows for issuing, amending, or renewing ROW grants for necessary transportation or other systems or facilities which are in the public interest and which require a ROW over, upon, under, or through public lands. Regulations found at 43 CFR 2800.0-3, is the authority for issuing regulations providing for the use, occupancy, and development of the public lands through permits, easements, and ROWs.

Existing NEPA documentation that is applicable to this project includes BLM case file Nev 066289. This file includes the existing distribution line along the corridor that was built in the 1960’s. The proposed project impacts this previous case file through retirement of portions of the existing line. The new ROW would include portions of the existing two-track for maintenance beneath the existing line.

1.7 Scoping, Public Involvement and Issues

The project was internally scoped by the BLM Interdisciplinary Team in June 2010. On June 3rd, the BLM resource specialists met with VEA representatives and their contractors, to tour the project location and discuss potential project issues.

Preliminary issues identified for analysis include:

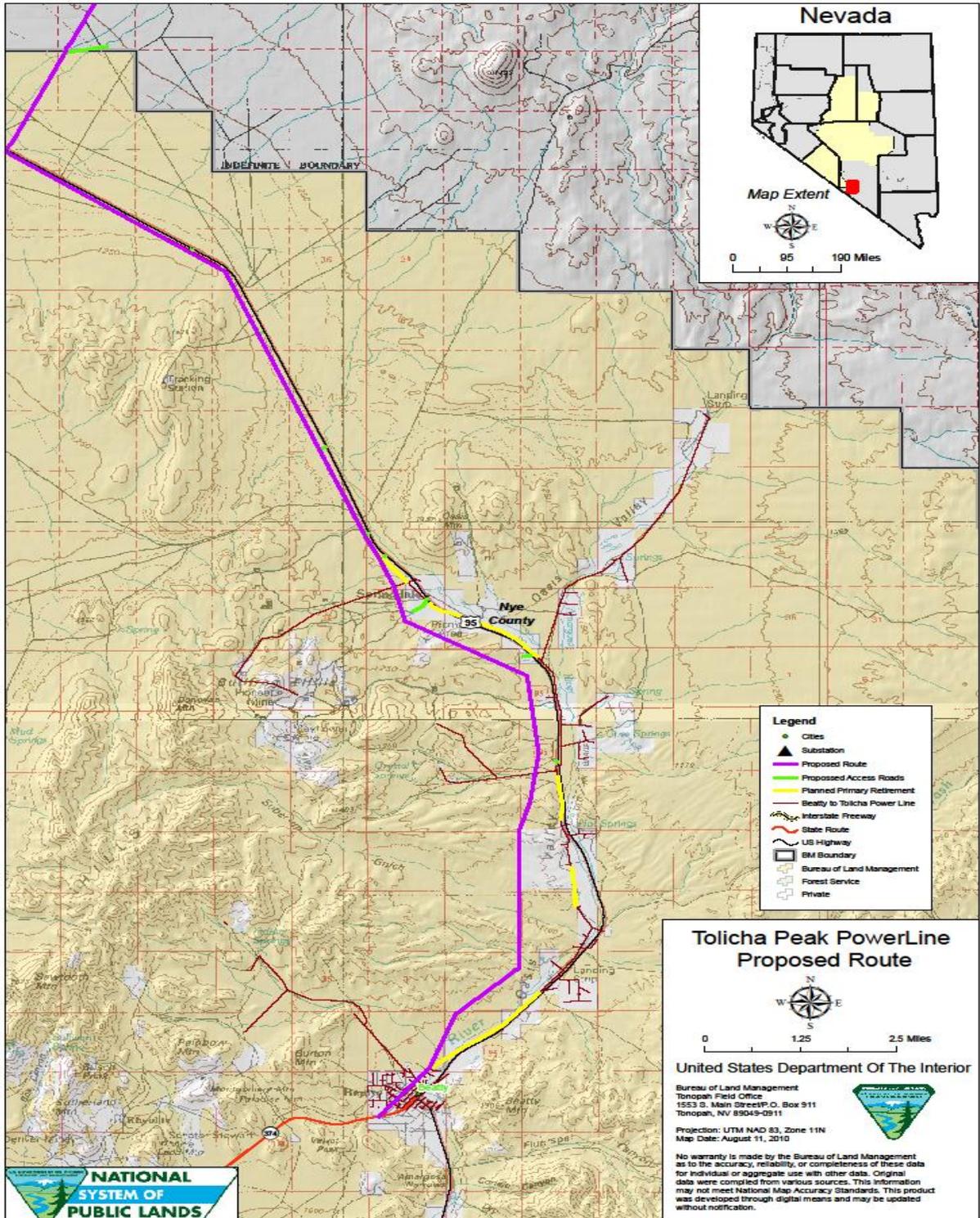
1. migratory birds;
2. desert tortoise;
3. golden and bald eagles;
4. avoidance of Amargosa Toad habitat;

5. clearing of retired line and poles in existing habitat; and
6. consideration of potential cultural resources impacts.

A public information meeting was held with affected property owners and VEA customers on June, 30, 2010. In addition, VEA and BLM presented the project and asked for comments at the Beatty Town Advisory Board Meeting held, August, 11, 2010.

Figure 1

Map of Overall Project and Area



2.0 PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

The proposed action is for the BLM to authorize VEA's ROW amendment application to decommission portions of the existing line on public lands (Nev 066289) and issue new ROWs (N-83358 and N-83360) to construct, operate, and maintain a new 24.9 kV double-circuit distribution line that would be constructed outside of the Amargosa River area. Construction of the new line segment further west from the existing line, would help protect some of the habitat of the sensitive Amargosa Toad.

The power line would insure the Air Force a more reliable power source in the future for Air Force operations at the NTTR. The proposed optical ground wire/fiber optic line would provide improved long distance distribution of communications data between the headquarters of the Nellis Air Force Base and the USAF facilities.

Alignment for the proposed action is shown in Figure 2, page 10.

The specific components of the proposed action are as follows:

2.1.1 Description

Within the Existing ROW - The proposed distribution line would be approximately 21.5 miles in length (including approximately 1 mile on private land). The requested ROW (N-83360) width is 40 feet (20 feet on each side of the center-line of the distribution line). A temporary (N-83358) 40 foot short term ROW width is required during construction (20 feet on each side of the distribution line ROW). Access to the proposed distribution line ROW would be from Highway 95, east of the proposed distribution line, as well as from private property (see Figure 2).

To the extent possible, the project would utilize existing access roads and minimize any new disturbance for access.

One new access road would be built where no existing access roads exist. The new access road would be constructed only where absolutely necessary. This new road would be a 10-foot-wide by 100-foot long (0.22 acres) bladed dirt road constructed from the ROW, between Highway 95 and proposed distribution line. The new access road would be used during construction to access the structure locations and tension/pull areas.

Following construction, the access road would be maintained to provide access for future maintenance activities. The specific road locations and anticipated acres of impact are provided as a part of the Environmental Assessment (Figure 2 and Table 1). To minimize dust, the entire roadway width may not be bladed.

A maintenance road would be located within the proposed 40 foot permanent ROW (N-83360).

The maintenance road would be bladed up to 16-foot wide, 20.5 miles long for a total disturbance of 39.8 acres on public lands or 21.5 miles long (including private land) with a disturbance of 41.69 acres.

A portion of the road network used to get to the distribution line corridor would potentially cross area drainages. This would involve the potential installation of drainage structures. To the maximum extent possible, drainages would be crossed at grade (i.e., referred to as an Arizona crossing). Where Arizona crossings are not feasible, culverts would be installed.

As part of the proposed action, VEA would install 32.6 (BLM and USAF) miles of OPGW /fiber optic on the new 24.9 kV distribution line. The installation of the OPGW would not require a new right-of-way as this line would be installed on the existing distribution structures.

Seven temporary material storage yards would be required for construction materials at suitable locations within the ROW for the distribution line and public access ways. These areas would serve as reporting locations for workers, parking spaces for vehicles and storage spaces for equipment and materials. These storage yards would be located on BLM administered land, within the permanent ROW (N-83360) and short-term ROW (N-83358). Each yard would be located in an area requiring minimal clearing and grading. Wood structures, hardware, foundation material, and spools of conductor would be hauled by truck into the yard. A crane or forklift would be required to unload and transport the materials.

Construction materials would be delivered by truck from the yard to lay down areas. From these areas, materials would be brought to structure sites as needed. Crews would load the material required for the workday thus limiting the weight hauled on the access roads. This would limit the impact and rutting on access roads caused by the use of heavy vehicles.

Conductor pulling sites would be required approximately every mile along the duration of the line. However, distances between each site would vary depending on the geography, topography and environmental sensitivity of the specific area, the length of the conductor pull, and the accessibility.

Pulling sites would require a temporary area of approximately 80 feet wide by 200 feet long. The temporary pulling sites would be located within the proposed ROW. However, construction in steep and rough terrain, may require larger, less symmetrical pulling and tensioning sites. These sites would be located along the distribution line centerline. At each pulling site stringing equipment would be set up approximately 50-100 feet from the initial structure for safely leveraging the conductor pull.

Structure Holes – The holes for placement of transmission poles, both standard or “tangent” structures would be augured to a depth of approximately seven feet; and a diameter 24 to 36 inches. Soil removed from the hole would be placed and tamped into the hole after the pole structure has been plumbed. Tamped soil above natural terrain level would be sloped away from the pole.

Structure Assembly and Erection – Equipment may include cranes, augers, bucket trucks, backhoes, air compressors, electric generators, pickup trucks, and other field equipment.

Construction materials and equipment would be placed in designated staging areas within the approved ROWs.

Excavation and setting of structures would be performed in a continuous operation. These procedures would minimize the possibility of collapse of the augured holes or injury to animals or persons in the vicinity of the construction. Essentially, the first hole would be excavated, and as the first pole is being erected, the second hole would be excavated. Excavations would not be left uncovered when the contractor's personnel are not on site.

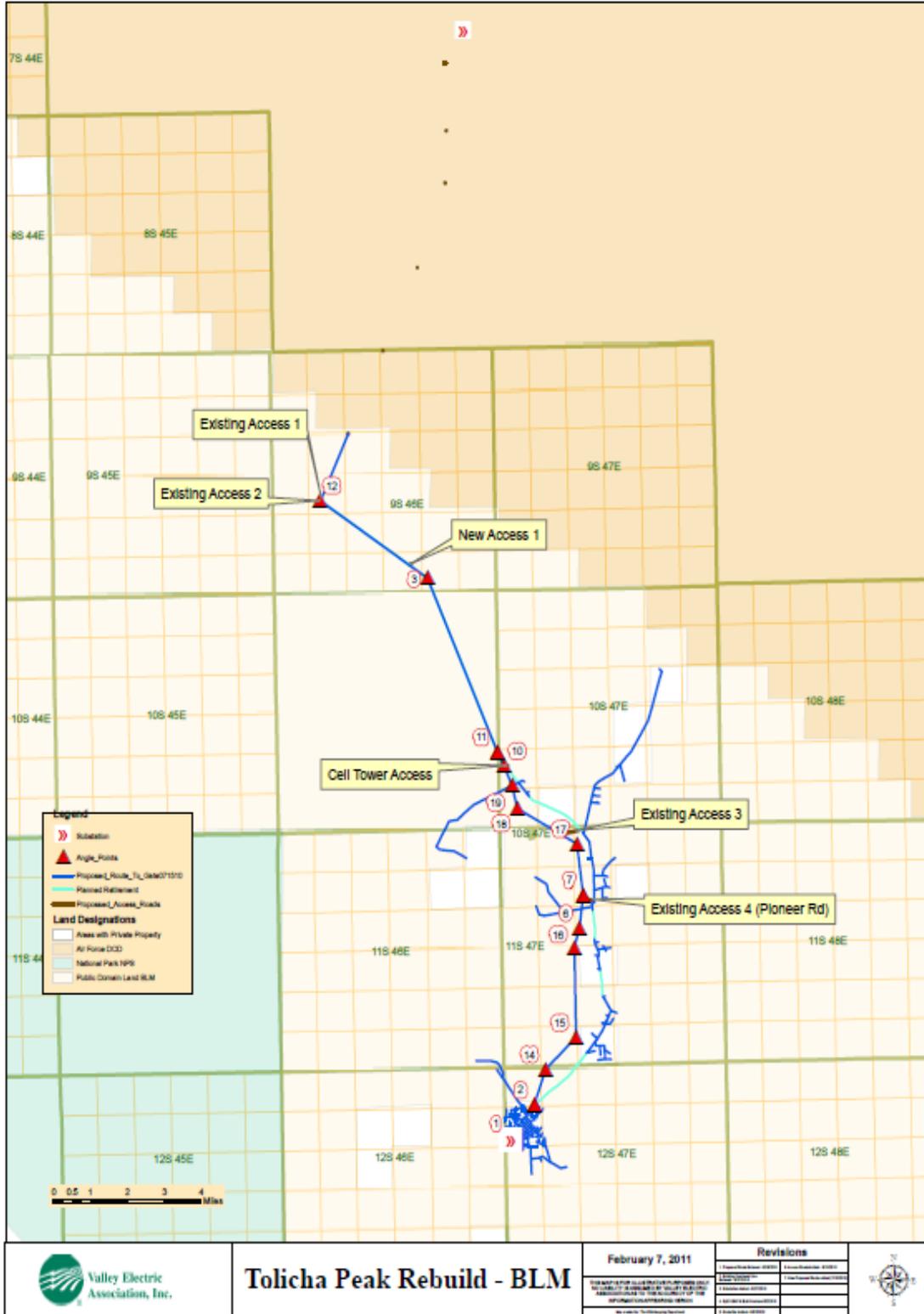
Operation and Maintenance — Once in place, the proposed distribution line would be in virtually continuous operation. Reliability of service is an overriding consideration in the design and operation of utility electrical systems. Periodic inspection and maintenance of the distribution line are required to maintain safe and reliable operation.

A distribution line is protected with power circuit breakers and related line relay protection equipment. If conductor failure occurs, usually due to a weather event, power would be automatically removed from the line. Lightning protection is provided by shield wires, and related equipment, along the line. All fences and metal gates along the distribution line ROW would be grounded to prevent electrical shock.

The electrical equipment and poles are anticipated to have a lifetime of approximately 50 to 60 years or more depending upon maintenance operations and climatic conditions.

Figure 2

Alignment Map – Distribution Line And Corridor



The proposed structures would be wooden poles with two wooden cross-arms, treated with pentachlorophenol, supporting eight conductors with one fiber optic cable atop the structure. All structures would be constructed with protective devices to prevent unsafe electrical contact by raptors. Conductors would be spaced according to current Avian Powerline Interaction Committee, 2006 (APLIC) guidelines. Each pole placement site would include assembly and crane-landing areas. Typical design characteristics for these structures are shown on Table 1. Final design characteristics would be determined in the detailed design phase of the project.

Construction of the distribution line would generally follow a sequential set of activities. These activities would be performed by a number of small crews (typically no more than 12 employees on-site average); but up to 50-60 VEA workers or contractors at a time over a period of 9-12 months.

Construction activities include:

- Survey;
- Framing;
- Hole digging;
- Structure erection;
- Conductoring (wire pulling);
- Dust Control as necessary;
- Post-construction clean-up; and
- Reclamation.

Construction of the proposed distribution line, from site preparation to energizing the line, is expected to take 9 to 12 months or less to complete. Construction would commence upon approval of all of the ROW applications by the TFO.

Table 1: Approximate Land Area to be Disturbed with the Proposed Action and Design Characteristics

Line length	Approximately 33.4 miles (approximately 20.5 on Public Lands, 11.9 miles on NTTR lands, and 1 mile Beatty Town Proper)
Type of structure	Single pole (see Figure 3)
Structure height	Single pole: 50 feet
Span length	Single pole: Approximately 150 to 400 feet
Number of structures/mile	Single pole: Approximately 18 per mile
Structure Base	Direct embedded
Permanent ROW width	80-foot wide ROW (40-foot permanent width and 40-foot temporary width required for construction)
Structure	Installation of new power poles for the upgraded distribution line would extend the length of the 33.4 mile route with approximately 18 new poles per mile. The footprint of each pole is approximately 18 inches in diameter.
Access Roads	One new access road would be installed to achieve installation of the new distribution line and provide access to the line for maintenance. Road would be approximately 10 feet in width and approximately 100 feet long. A maintenance road approximately 16 feet in width would be included within the 40-foot permanent ROW (39.8 acres).

Voltage	24,900/14,400
Circuit Configuration	Double circuit 24.9/14.4 kV
Conductor Size	1 single 4/0 ACSR neutral 3 336 mcm ACSR conductors 4 1/0 ACSR conductors
Conductor Types	Conductor – 336 mcm ACSR “Linet” 4/0 ACSR “Penguin” 1/0 ACSR “Raven” Shield Wire – Optical Ground Wire, 12 Fiber Insulators – porcelain with non-reflective light gray color
Ground Clearance of Conductor	31 feet
Pole Foundation Depth	7 feet
Land Disturbed (approximate)	4 square feet per pole
<u>Temporary</u> Structure Site	Temporary workspace would include an area 20 feet to each side of the permanent right-of-way. An area of approximately 30 by 40 feet per structure site is required for line construction equipment.
Wire pulling, splicing sites	An all-terrain vehicle would be used for wire pulling along the permanent right-of-way. Sites for tensioning equipment are located approximately 1 mile apart. - Wire pulling sites (approximately 21 sites) would require approximately 0.36 ac/site (80 ft long x 80 ft wide) - Material & storage handling yards would be located on BLM land and within the ROW permits.
Staging Area	All storage of various construction items such as poles, cable, etc. would be maintained within the ROW area. The area would not be fenced and vegetation would be reseeded upon completion of the project.
Access roads	Existing roads would be utilized whenever possible to access the ROW. Ingress and egress would occur on private lands in Beatty; at Arizona Nevada Cell Site, off Highway 95, located in T.10 S., R. 47 E., Sec 30. However, approximately 3998 feet of four existing roads in T. 11 S., R. 47 E., Sections 4 and 9. T. 9 S., R. 46 E., Sec 20 would need no improvements (i.e. widened, graded, or bladed). These roads, which run west off of the existing Highway 95, would be used to access the proposed new distribution line.

Figure 3 - SINGLE POLE STRUCTURE

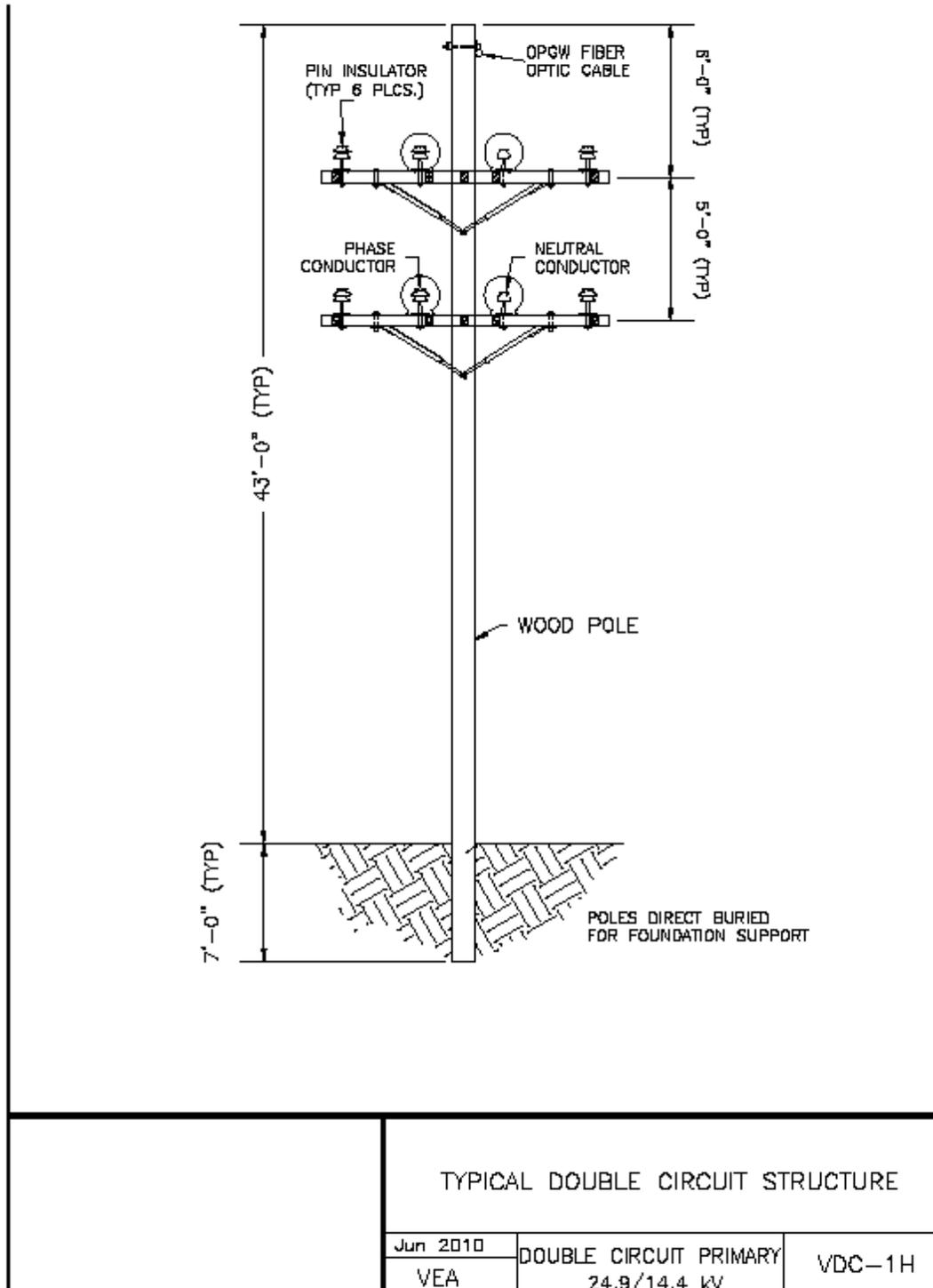


Figure 4 – RAPTOR PROTECTION DEVICES

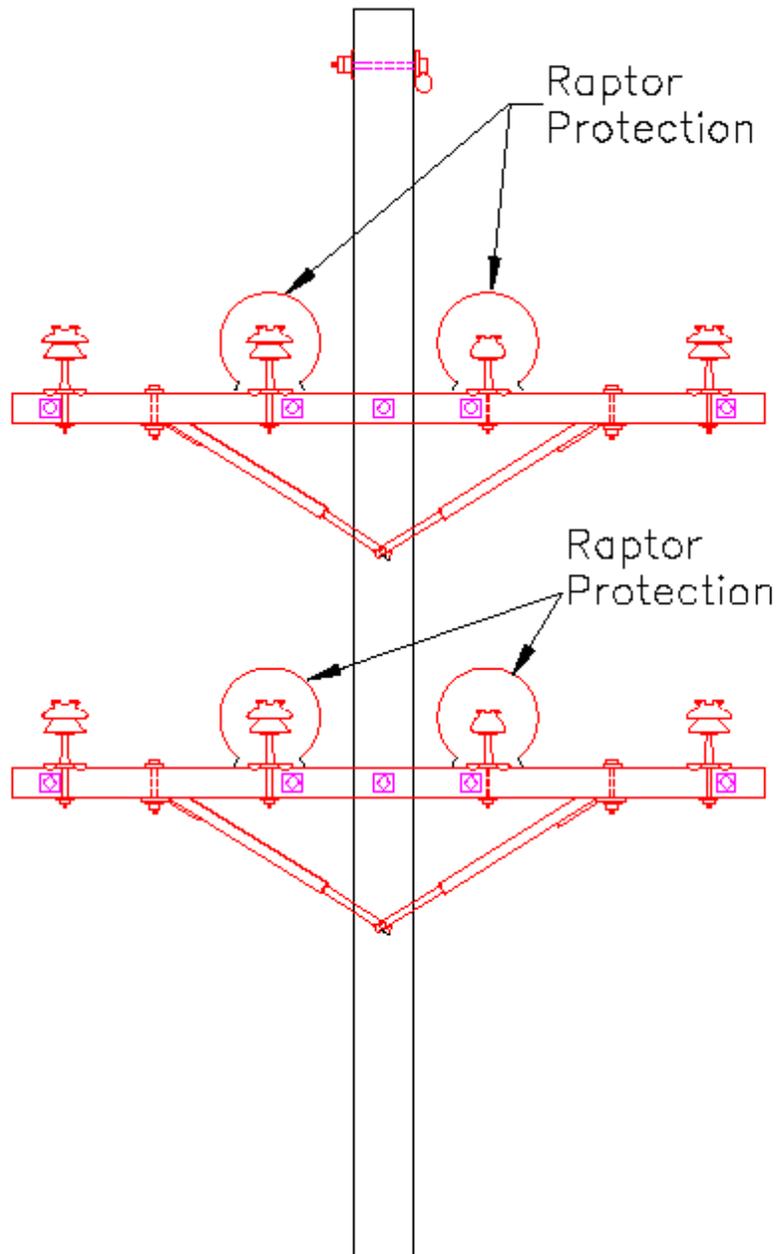
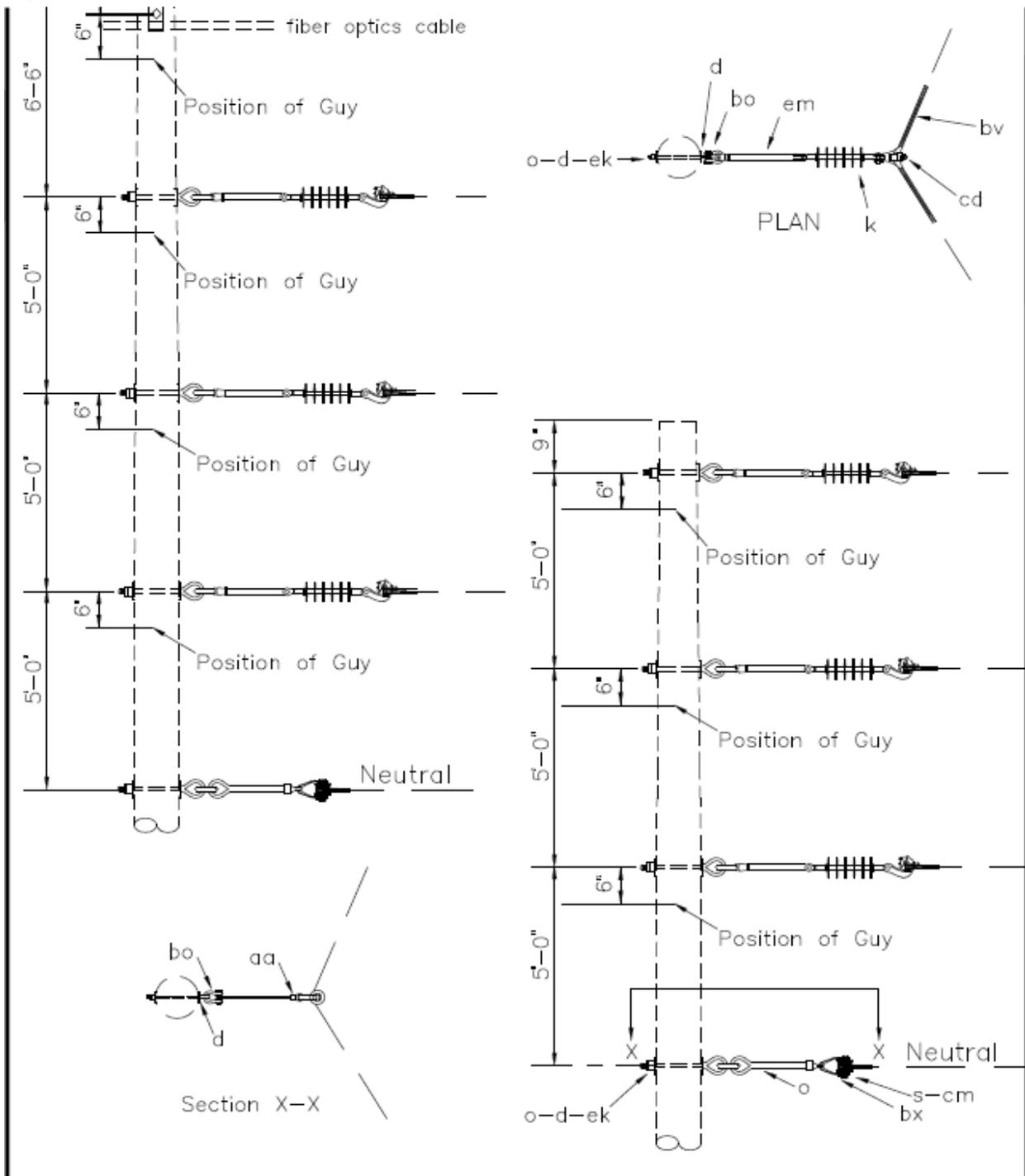


Figure 5 – ANGLE STRUCTURE



DESIGN PARAMETERS:

ALLOWABLE TRANSVERSE
LOAD= 5000 lbs./Conductor
20° – 60°: #1/0 ACSR & Larger
30° – 60°: Smaller Conductors

SUSPENSION ANGLE
(Large Conductors)

Jun 2010

VEA

3 – PHASE PRIMARY
24.9/14.4 kV

APPROVED:

VDC3H

IK: M:\Engineering\Specs and Standards\Tolicha Peak\VDC3H.dwg

RECLAMATION AND PUBLIC SAFETY AND ENVIRONMENTAL PROTECTION MEASURES

2.1.2 Permits and Approvals

VEA is responsible for obtaining valid permits and approvals from all relevant federal, state, and local agencies to construct the proposed project. Known permits and approvals needed for this project are shown in Table 2.

Table 2: Authorizations, Permits, Reviews and Approvals

Action Requiring Permit, Approval, or Review	Permit/Approval	Accepting authority/approving agency	Statutory Reference
FEDERAL			
Right-of-way over land under Federal Management	Right-of-way Grant	BLM	FLPMA 1976 (PL94-579) USC 1761-1771 and 43 CFR 2800
National Environmental Policy Act (NEPA) Compliance to Grant ROW	Environmental Assessment (EA)	BLM	NEPA, 40 CFR Part 1500-et.seq.
STATE OF NEVADA			
Construction of Utility Facilities Permit	Permit Required for any land disturbance that would equal or exceed 5 acres of total disturbance. All activities which have the potential to adversely affect the local air quality must implement all appropriate measures to limit controllable emissions.	Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC)	Nevada Administrative Code 445B.22037
Encroachment Permit	Nevada Department of Transportation	NDOT	Nevada Revised Statute 408.423
LOCAL			
Construction and Operation	Special Use Permit Nye County	None	Nye County has no building codes for this area.

Appropriate Right-of-Way Guide Stipulations (Appendix A) from the BLM 2801 Manual, would be added to the grant's terms and conditions. In addition, the applicant has committed to following Environmental Protection Measures in Section 3 of the POD.

Reclamation

VEA would be required to have a continuous cleanup program throughout construction. VEA would restore land crossed to its pre-construction condition. Restoration would include the removal of deep ruts and the disposal of foreign objects such as slash, chunks of concrete, pile cut-off, construction materials, etc. Reclamation would also include re-contouring of impacted areas to match the surrounding terrain, cleaning trash out of gullies, and restoring terraces.

Waste materials and debris from construction areas, would be collected, hauled away, and disposed of at an approved landfill site. Equipment used could include a blade, front-end loader, tractor, and a dozer with a ripper. Procedures for restoration and right-of-way maintenance would be coordinated with the BLM and private landowners.

VEA would be required to keep a clear work area throughout construction. After completion of the project, the Project Engineer would complete a final walk-through in conjunction with a BLM representative. The Project Engineer would note any waste material left on site and any ruts or terrain damage or vegetation disturbance that has not been repaired.

The temporary areas of disturbance would be re-contoured to match the surrounding terrain. Due to the topography and soils condition, no reseeding would be required. Construction sites, material storage yards, and access roads would be kept in an orderly condition and free of trash throughout the construction period. Refuse and trash would be collected at the temporary material staging construction yards (pulling and tensioning sites) in a closed container until removed from the sites and disposed of in an approved manner. Oils and fuels would not be dumped on the right-of-way. Waste oils or chemicals would be hauled to an approved site for disposal.

Public Safety Measures

Stipulations During Blasting

Some work areas that may potentially require blasting are situated in rocky outcrops. If this becomes necessary, all applicable state, local, and federal laws concerning the use of explosives would be followed. The blasting contractor would be licensed as required to handle and store explosives. VEA would obtain a permit from the necessary agency as required for the period when blasting may occur and would comply with the following requirements developed by BLM:

- The holder shall post warning signs at all entry points for the project. Warning signs shall include information on blasting, including the general hours blasting might take place and audible signals to be used warning of impending blasting, and to indicate that the site is all clear.
- Access points to areas where blasting would take place would be blocked, to prevent access by the public, at least 30 minutes prior to blasting. The site shall be swept five minutes prior to any shot being put off, to ensure that no unauthorized personnel have wandered onto the site. An audible warning signal, capable of carrying for one half mile,

shall be used at least two minutes prior to the shot being put off. An “all clear” signal would be given once it has been determined that all danger in the area has passed.

Fire Protection Plan

All Federal, state, and county laws, ordinances, rules, and regulations, which pertain to prevention, pre-suppression, and suppression of fires, would be strictly adhered to. All personnel would be advised of their responsibilities under the applicable fire laws and regulations. It would be the responsibility of the VEA to notify the Central Nevada Interagency Dispatch Center (CNIDC) at (775) 623-3444, BLM, Tonopah Field Office (TFO) at (775) 482-7800, when a project related fire occurs within or adjacent to the construction area.

VEA would be responsible for any fire started, in or out of the project area, by its employees or operations during construction. VEA would be responsible for any costs associated with fire suppression and rehabilitation. Prior to the arrival of Federal firefighting forces, VEA would take aggressive action to prevent and suppress the spread of wildland fires caused by the VEA employees or operations within the Project Area. When reporting a fire to CNIDC, specific information would be provided, preferably coordinates (lat./long.), size of fire, exactly what is burning, wind speed, and direction.

Outside of the project area, wildfire suppression is the responsibility of the BLM on public lands surrounding the Project Area.

Costs involved with contractor-caused fires would be charged to the contractor. There would be no extension of time for line construction for delays caused by contract or related fires. Specific construction-related activities and safety measures would be implemented during construction of the distribution line in order to prevent fires and to ensure quick response and suppression in the event a fire occurs. These activities and requirements include:

- VEA would provide (and store in a place easily accessed at each construction site) shovels and one five-pound ABC dry powder CO fire extinguisher during all construction activities.
- During welding/cutting or other operations where a fire could be started, there would be at least a 100-gallon tank with pump onsite to suppress any vegetation fires.
- VEA would provide all employees on site with the appropriate notification numbers in case of fire. These numbers include the Beatty Volunteer Fire Department, BLM Fire Dispatch, the BLM Project Representative and VEA Construction Project Manager.
- VEA would maintain the power line ROW to reduce the threat of wildland fires caused by the power lines and would also protect the power lines from any fires that may be started in the area.

Environmental Protection Measures

Equipment Refueling and Leaks, Solid Waste

VEA would implement standard refueling procedures for heavy equipment that is left on the right-of-way for long periods of time, such as cranes, blades, cats, drill rigs, etc. This equipment would be refueled in place. However, no personal or light duty vehicles would be allowed to refuel on the right-of-way.

- Totally enclosed containment would be provided for any trash stored on site. Spill kits would be on site and diapers would be placed under leaking equipment immediately to prevent ground contamination. Spills over five (5) gallons must be reported to the NDEP at 888-331-6337 with a follow-up call to the BLM TFO.
- All construction waste, including trash and litter, garbage or solid waste, petroleum products and other materials would be removed to an authorized disposal facility. All construction, operation, and maintenance activities would comply with all applicable federal, state and local laws and regulations regarding the use of hazardous substances. The construction or maintenance crew foreman would be responsible for maintaining compliance with all applicable laws and regulations. In addition, an onsite inspector would be present during construction to make sure all materials are used and stored properly.

Dust Control

- Water trucks would be the primary means of dust abatement during all phases of construction. Areas of high erosion may require application of a BLM approved palliative to reduce dust and prevent excess moisture on the road that may attract tortoise. VEA or a designated contractor would obtain dust permits as necessary prior to construction and comply with all conditions in the permit. At each structure site the disturbed soil would be watered to form a crust following structure installation. Roads would be watered regularly and as needed to prevent dust emissions. Water spray would be controlled so that pooling would be avoided to the extent possible. Speed limits of 20-25 miles per hour would be set and strictly enforced.
- VEA would negotiate with a regional enterprise to obtain water for construction and dust control. All project personnel would be educated on the site dust mitigation plan. The CIC would monitor dust conditions on site during construction.

Air Quality

- During excavation, backfilling, contouring, and rehabilitation, the disturbed soil should be wetted, chemically treated, or treated by other means satisfactory to the Authorized Officer, sufficiently in order to effectively reduce airborne dust and reduce soil erosion. A regular maintenance program shall include, but is not limited to, soil stabilization and reapplication of dust abatement methods as necessary.
- All requirements of those entities having jurisdiction over air quality matter would be adhered to and any permits needed for construction activities would be obtained. Open burning of construction trash is not allowed.

- Access to work areas would be by overland travel whenever possible to minimize grading. Access roads would be staked and blading would only be done if necessary. Speed would be limited to prevent excessive amounts of dust.

Hazardous or Solid Waste

- No paint or permanent discoloring agents would be applied to rocks or vegetation to indicate limits of survey or construction activity.
- No biodegradable debris would be left in the right-of-way.

Cultural and Paleontological Resources

Prior to construction, Project personnel would be instructed on the protection of cultural, paleontological, and ecological resources.

Special Status Plants

Sensitive plants and/or animal habitat would be flagged and avoided. Support structures and other design elements would be spaced appropriately so that environmental impacts would be minimized.

Soils/Watershed

- Minimize grading for access by driving overland whenever possible, travelling the shortest practical path.
- Minimize construction activities during wet periods when the soil is unable to support construction equipment.
- Minimize disturbance to vegetation and drainage channels. Existing roads would be left in (or restored to) a condition equal to their condition prior to construction.
- All new access roads not required for maintenance would be permanently closed using methods approved by the landowner/manager.

Wildlife

Temporary work areas and designated access roads would be located to reduce impacts to wildlife and habitat.

Migratory Birds

Habitat altering activities would normally be timed to occur outside of the bird breeding season. If this cannot be avoided, vegetated areas would be surveyed for nesting birds prior to impact. If

nesting birds are found, these areas would be avoided by a 100 foot radius buffer as determined by BLM and US Fish and Wildlife Service (USFWS).

2.2 Alternatives Considered but Eliminated from Further Analysis

A total of four different alignments for the distribution line ROW were initially considered by VEA and the BLM to achieve the project purpose and need. Each of these alignments was considered for its ability to reduce existing and potential future adverse impacts to Amargosa Toad habitat and for accessibility and reliability of service for VEA, the Town of Beatty, and the USAF. Only the proposed action provided an acceptable level of reliability while reducing impacts to Amargosa Toad habitat. Thus, the other three alignments were dropped from further consideration and are not analyzed in detail in this environmental assessment.

2.3 No Action Alternative

Under the “No Action” alternative, the BLM would not grant the requested ROW amendment allowing for the decommissioning of the existing ROW within the Amargosa River area that supports Amargosa Toad habitat. VEA would not be able to construct and upgrade the proposed facilities and the Air Force would thus not contract with VEA to build the new distribution line and provide fiber optic capabilities to the Air Force and area VEA customers as requested by application submission of ROW N-88360.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 Introduction

The BLM is required to address specific elements of the environment that are subject to requirements specified in statute or regulation or by executive order. The following table lists the elements that must be addressed in all environmental analyses and indicates whether the Proposed Action affects those elements.

When preparing this EA, the best available information was used to describe the existing environment and the Applicant’s proposed action. This information serves as a baseline from which to identify and evaluate environmental changes resulting from all alternatives.

Table 3: Supplemental Authority Elements Considered for Analysis

Supplemental Authority ¹	Not Present ²	Present/Not Affected	Present/May be Affected ³	Rationale
Air Quality		X		Construction equipment proposed would be powered by internal combustion engines. These engines produce exhaust emissions that include 5 of the 6 federal

¹ See H-1790-1 (January 2008) Appendix 1 Supplemental Authorities to be Considered.

² Supplemental Authorities determined to be Not Present or Present/Not Affected need not be carried forward for analysis or discussed further in the document.

³ Supplemental Authorities determined to be present/May be Affected must be carried forward for analysis in the document.

Supplemental Authority ¹	Not Present ²	Present/Not Affected	Present/May be Affected ³	Rationale
				criteria pollutants (excluding only lead). The project POD includes a table outlining the construction equipment and vehicles that would be onsite. No significant impacts to air quality would result from the proposed project. Minor localized effects of fugitive dust from vehicle and heavy equipment traffic over unpaved areas would be controlled with a Dust Control Plan.
Area of Critical Environmental Concern	X			No ACECs have been designated in the project area.
Cultural Resources		X		A Class III inventory of the project area has been completed. Discussion in section 3.3.
Environmental Justice		X		The project would not impact any of the designated populations as described in the EJ Executive Order.
Farmlands Prime or Unique	X			No farmlands in Project Area.
Fish Habitat	X			Resource is not present.
Floodplains	X			Road construction would be minimized so that flood plans are not affected and no increases in sedimentation would occur.
Forests and Rangelands [Healthy Forest Restoration Act only] (HFRA)	X			Rangelands exist but would not be affected. This project does not meet the criteria to qualify as an HFRA project.
Human Health and Safety	X			VEA has a weed plan which includes the potential use of herbicides as part of the Plan of Development. Stipulations for weeds are part of the ROW grant. The proposed action would not present any public human health or safety issues.
Migratory Birds			X	Impacts are assessed in Section 3.6. With implementation of the operator proposed mitigation measure in the ROW stipulations; impacts may include disturbance of individual nests or birds; but negligible impacts to populations.
Native American Religious Concerns	X			As of the time of publication of this EA, no written or verbal Tribal concerns have been brought forward to the BLM.
Noxious Weeds/Invasive Non-native Species		X		Proponent's applicant committed practices would treat any existing weed infestations within the ROW; which would prevent any spread of weeds to areas outside the ROW area. Discussion in section 3.5.

Supplemental Authority ¹	Not Present ²	Present/Not Affected	Present/May be Affected ³	Rationale
Threatened and Endangered Species (Special Status Species, plants & animals)			X	The USFWS and Nevada Natural Heritage Program (NNHP) identified the following federally listed animal species as potentially occurring in or around the Project Area: Threatened Mojave Desert Tortoise. Approximately 49.9 acres of low density tortoise habitat are within the project area.
Waste–Hazardous and Solid		X		Solid waste created during construction would be collected and disposed of off-site at an approved landfill. Control measures are in place for oil and hazardous spills.
Water Quality (Surface/Ground)	X			No hydrological areas would be affected by the Proposed Action. The Proposed Action is expected to require water only for dust suppression, and that water would be acquired from existing sources. No new water developments or water rights applications are anticipated.
Wetlands/Riparian Zones			X	Impacts are assessed in Section 3.4.2.
Wild & Scenic Rivers	X			The section of the Amargosa River within the Project Area is not designated as wild and scenic.
Wilderness	X			No wilderness areas have been designated within the Project Area.
Wilderness Characteristics	X			No lands meeting the criteria established by Secretarial Order No. 3310 exist within the project area.

Other resources of the human environment that have been considered for this EA are listed in the table below. Elements that may be affected are further described in the EA. Rationale for those elements that would not be affected by the proposed action and no alternative is listed in the table below.

Other Resources	Not Present ⁴	Present/Not Affected	Present/May be Affected	Rationale
Grazing Management		X		This project is within the Razorback Allotment. Permittee has notified the TFO that 2011 grazing would not be utilized. No long-term impacts to grazing expected, therefore, no AUM reduction, etc. Razorback allotment is closed to cattle grazing in much of the project area south of T. 10 S., R. 46 E., sec. 24.
Land Use Authorization			X	See discussion in Section 3.2.

Other Resources	Not Present ⁴	Present/Not Affected	Present/May be Affected	Rationale
Minerals		X		Not affected. Any necessary excavation that produces mineral materials within the ROW must be used within the ROW or stockpiled on the site for sale by the BLM.
Paleontological Resources		X		The main line does not cross any known paleontological outcrops although some feeder lines go into areas with outcrops of paleontological deposits which are not significant. Impacts are not expected.
Recreation		X		Recreational activities would not be restricted or affected as a result of the Proposed Action.
Socio-Economic Values			X	The Proposed Action would require 15-20 on average; but up to 50-60 +/- VEA workers or contractors at a time over a period of 9-12 months. Local business would be supported and provide income to the Beatty community through purchase of services and goods. Thus, the Proposed Action socioeconomic impacts would be beneficial, but temporary.
Soils			X	Disturbed areas would be reclaimed. Potential for soil erosion is minimal based on soil types, slopes, precipitation, and land cover. Mitigation measures would be implemented. Impacts to soils and watershed would be temporary, and minimized by the ROW stipulations.
Vegetation			X	See discussion in Section 3.4.
Visual Resources		X		The designated utility corridor has all been designated as VRM Class IV land due to the man-made constructions permitted within it. As the corridor proceeds from the Beatty Substation to the Tolicha Peak turnoff, the lands remain a VRM Class IV.
Wild Horses and Burros		X		Herd Management Area – Bullfrog Wild Burro - would not be impacted as this project is a decommissioning of certain portions of Nev 066289 and a replacement line constructed.
Wildlife			X	See discussion in Sections 3.6 and 3.8.
Fire Management		X		Regulatory practices as set forth by VEA, BLM, and Nye County would be in place to prevent impact.

General Setting

The proposed action is located at the northern end of the Amargosa Desert in Nye County, Nevada. Most of Nevada, including the project area, is within the Basin and Range Physiographic Province which is characterized by linear mountain ranges and intervening valleys arranged generally in a north-south parallel pattern. The Mojave Desert is characterized by hot,

dry summers and cool, dry winters. Average precipitation of 3.5 inches occurs sporadically from either winter rains or summer thundershowers.

The proposed action begins in Beatty, west of the Amargosa River and ends approximately 40 miles North of Beatty. The landscape is typical of lower to moderate elevations in the Mojave Desert, with flat expanses of sandy soil punctuated by rocky mounds and hills. Predominant indigenous vegetation is White Bursage and Creosote Bush, with some Joshua Trees and Cacti at higher elevations. Death Valley lies about 8 miles to the west of Beatty with Beatty Mountain and Bare Mountain to the east and the Bullfrog Hills to the west. The Amargosa River, an intermittent river that ends in Death Valley, flows on the surface through part of the Beatty area but is not counted as a body of water in Census Bureau statistics.

The elevation in the project area ranges from 1,100 feet to 1,750 feet above mean sea level (MSL).

Large ephemeral washes discharge into the Amargosa River to the southeast. These support limited desert riparian vegetation. The project occurs mainly in the creosote vegetation community in a very low-density tortoise habitat.

3.2 LAND USE AUTHORIZATIONS

3.2.1 Affected Environment

The BLM ROW program is designed to coordinate the actions of individuals, government and business to promote the sharing of ROWs, to prevent unnecessary environmental damage to lands and resources, and to protect the holders' investments in improvements on the right-of-way. BLM ensures that undue or unnecessary degradation of public or private land does not occur as well as any negative impacts to other aspects of the environment.

The majority of the proposed project area lies parallel to the right-of-way of US Highway 95. Access roads exist to portions of the existing route. Maintenance work access is gained along the existing route by driving beneath the line along the route.

3.2.2 Environmental Consequences

The proposed action would only require minimal disturbance of BLM right-of-ways. Disturbances would only occur in areas where pole placement would occur and in construction layout areas within the requested right-of-way areas. One new access road is proposed to be approximately 100 feet long and eight to ten feet across are part of the proposed action. This access road would allow for maintenance to the distribution line and poles. The new road is located approximately three miles south of the Tolicha Peak turnoff.

The table below lists existing ROWs that are within the Proposed Action area. The cell tower access road would be used as an ingress and egress road to the proposed project.

Table 4: Rights-of-Way Authorizations

Nev 042808	Highway 95 N.	200' from centerline	NDOT
Nev 043307	Highway 95 N.	200' from centerline	NDOT
Nev 066289	Distribution Line	10' from centerline	VEA
N-24739	Distribution Line	10' from centerline	VEA
N-77166	Cell Tower & Access Rd.	100' x 100' compound	Arizona Nevada Tower Corporation
N-78331	Distribution Line	10' from centerline	VEA

3.3 Cultural and Historic Resources

3.3.1 Affected Environment

The “area of potential effects” (APE) for an undertaking is defined in the National Historic Preservation Act (NHPA) Section 106 regulations (36 CFR 800.16[d]) as “the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist.” The APE considered for the proposed action included the 80-ft wide right-of-way (ROW), associated pull areas, lay-down or equipment storage areas, and access roads (both new construction and existing) necessary for the construction and subsequent maintenance of the distribution line.

A Class III Inventory was completed by cultural contractors between June 2010 and December 2010, under BLM Cultural Resource Use Permit Number N-54641 to comply with NHPA regulations. Locations for new poles and the associated service road would be chosen to avoid significant cultural resources. Avoidance would include using existing roads instead of building a new service road and hand installation of poles and lines where necessary. Should it be impossible to avoid a significant cultural site, a Historic Properties Treatment Plan shall be developed and completed before any ground disturbing activities take place.

The project also includes the removal of segments of the existing powerline that are being retired. These segments were also surveyed by the cultural resource contractors. This powerline has been maintained on a regular basis since it was constructed in the 1960s (Check date). The roads used to maintain the line would be used to remove the poles and lines. To prevent any ground disturbance in areas with significant cultural sites, the poles would be cut off at the ground level instead of being pulled from the ground. The poles and lines would then be removed by hand.

The Tonopah Field Office management and staff, Valley Electric project lead, and cultural contractor conducted a field visit December 2010 to examine some cultural resource sites and the alignment of segments of the proposed ROW. It was determined that a different ROW alignment for part of the powerline needed to be surveyed. The survey for the second alignment was completed December 23, 2010.

In accordance with the NHPA (P.L. 89-665), NEPA (P.L. 91-190), the Federal Land Policy and Management Act (P. L.94-579), the American Indian Religious Freedom Act (P.L. 95-341), the Native American Graves Protection and Repatriation Act (P.L. 101-601), and Executive Order

13007, the BLM must provide affected tribes an opportunity to comment and consult on the proposed project. BLM must attempt to identify locations having traditional/cultural importance and reduce or possibly eliminate any negative impacts to identified traditional, cultural, spiritual sites, activities, and/or resources.

A meeting was held October 23, 2009 with representatives of the Timbisha Shoshone Tribe to discuss several projects including the realignment of the Beatty to Tolicha Peak powerline. No tribal concerns or resources were identified near or within the project area. There was agreement that moving the line out of riparian areas would be environmentally beneficial.

3.3.2 Environmental Consequences

The realignment of the powerline would cause minimal physical disturbance to significant cultural resources. Historic properties along the route have already been visually impacted by feeder lines and the original powerline.

Various tribes and bands of the Western Shoshone have stated that federal projects and land actions can have widespread effects to their culture and traditional practices as they consider the landscape as sacred and as a provider. Various locations throughout the BLM Tonopah Field Office administrative area continue to host traditional/spiritual/cultural use activities. Sites and resources considered sacred or detrimental to the continuation of tribal traditions include, but are not limited to: prehistoric and historic village sites, sources of water (hot and cold springs), pine nut gathering locations, sites of ceremony and prayer, prehistoric and ethno-historic archaeological sites, burial locations, “rock art” sites, medicinal/edible plant gathering locations, areas associated with creation stories, or any other tribally designated Traditional Cultural Property (TCP).

Also, though the possibility of disturbing Native American gravesites within most project areas is extremely low, inadvertent discovery procedures must be noted. Under the Native American Graves Protection and Repatriation Act, section (3)(d)(1), it states that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity, which caused the discovery, is to cease and the materials are to be protected until the land manager can respond to the situation.

During the project activities, if any surface or subsurface artifacts (stone tools, projectile points, etc...) are encountered, it must be stressed to those involved in the proposed project activities that such items are not to be collected. Cultural and Archaeological resources are protected under the Archaeological Resources Protection Act (16 U.S.C 470ii) and the Federal Land Management Policy Act (43 U.S.C. 1701).

3.4 Vegetation, Soils

3.4.1 Affected Environment

A Biological Assessment was conducted by a contractor, in concert with the BLM to determine the potential effect the VEA Beatty to Tolicha Peak power line upgrade would have on

biological resources. These studies were conducted between June 2-10, 2010 and August 19-25, 2010. The surveys found the vegetation over the project area consisted predominantly of Mojave Desert shrubland and salt desert shrubland, which is characterized most importantly by its elevation, gentle slopes, and dominant vegetation. The area is dominated by the Sonora-Mojave Creosote Bush-White Bursage Desert Scrub (creosote bush) Community. The creosote bush community, in which white bursage (*Ambrosia dumosa*) commonly co-dominates with creosote bush, occurs on alluvial slopes, valley floors, and mountain slopes below 4,000 feet MSL. This community is usually found on well-drained soils, forming a continuous layer, except on the rockiest slopes, washes, saltbush flats, and dry lakebeds.

Annual precipitation also has a significant impact on the diversity and density of native and introduced annual forb and grass species that appear each spring. El Niño years with above average winter precipitation produce massive blooms whereas below average precipitation years result in few to no annuals. The 2008/2009 winter/spring precipitation along the preferred route was slightly below average resulting in average diversity and density of native annuals. The *Bromus* species tend to be the dominant invasive species in the Mojave transition zone, though several other invasive annuals may be locally abundant.

A list of potential plant species found in association with the project site may be found in the “VEA Beatty to Tolicha Peak Power Line Upgrade Biological Assessment, Nye County, October, 2010”. This document is located in the TFO and may be viewed upon request.

Soils within the project area are generally alluvial deposits consisting of sands, silts, fan piedmonts, and clays. Weathered volcanic rock and ash is also found within Nye County. Miocene and Pliocene age sedimentary rock generally underlies the alluvial deposits in this area.

3.4.2 Environmental Consequences

Vegetation may be temporarily lost from the proposed ROW. Within the power line ROW, vegetation cleared from any excavation areas would re-establish naturally after the ground is restored to its preconstruction contours. Mitigation plans for re-vegetation and weed control for disturbed areas have been made and would be put in place for the duration of the project. A Weed Management Plan is included as part of the POD.

In portions of the existing ROW to be retired, 39.14 acres of vegetation have already been disturbed. The nature of the vegetation in the wetland soils of the proposed retired ROW would likely naturally re-vegetate.

Soils impacts include 39.14 acres of wetland soils that would be positively impacted by removal of portions of the existing ROW due to decommissioning. Overall 208.86 acres of upland soils would be impacted by the route of the proposed project.

3.5 Noxious Weeds, Invasive, Non-native Species

3.5.1 Affected Environment

As in many parts of Nevada that have been disturbed, noxious weeds are common. Several species of weeds exist along the alignment and at all of the sites considered here. Species known to occur include tall whitetop (perennial pepperweed, *Lepidium latifolium*), hoary cress (whitetop, *Cardaria draba*), and scotch thistle (*Onopordum acanthium*). These weeds are interspersed with native vegetation and occasionally dominate areas where past disturbance has occurred.

3.5.2 Environmental Consequences

Disturbance to native soils and their associated vegetation allows noxious species to invade the area. In addition, invasive species may be introduced via vehicles driven into the area and by the nature of the urban/rural interface introducing non-native plant species into the native plant communities. If noxious weed species are not controlled, they may out-compete native species and prevent them from becoming re-established in the area of disturbance, thereby altering habitat composition and value to support diverse species.

The likelihood of a noxious weed invasion is dependent upon many factors. The abundance of noxious weeds in the area of disturbance or the presence of a nearby seed source may dictate the severity of invasion. Because of past disturbance, the linear nature of the project and the planned revegetation of disturbed areas, the potential for noxious weed invasion would be monitored by VEA, as described in the Weed Management Plan and incorporated with the POD and through grant stipulations.

3.6 Migratory and Sensitive Birds

3.6.1 Affected Environment

“Migratory bird” means any bird listed by the United States Fish & Wildlife Service (USFWS) in 50 CFR 10.13. All native birds found commonly in the United States, with the exception of native resident game birds, are protected under the MBTA (16 United States Code 703711). The MBTA prohibits taking of migratory birds, their parts, nests, eggs, and nestlings. Executive Order 13186, signed January 10, 2001, directs federal agencies to protect migratory birds by integrating bird conservation principles, measures, and practices.

Additional direction comes from a January 17, 2001, Memorandum of Understanding (MOU) between the BLM and the USFWS. This MOU strengthens migratory bird conservation through enhanced collaboration between the two agencies, in coordination with state, tribal, and local governments. The MOU identifies management practices that could impact populations of high priority migratory bird species including migratory bird nesting, migration, and overwintering habitats, and develops objectives and recommendations that would avoid or minimize these impacts. A variety of migratory birds use the habitat types within the project area for breeding and foraging.

A sensitive species survey was conducted concurrently with the Desert Tortoise survey over a period of 2 weeks between June 2-10, 2010 and August 19-25, 2010. Field days began at 6:00 a.m. and ended about 4:00 p.m.

Potential migratory bird species that may be found within the project area may include but are not limited to the Ash-throated Flycatcher, Bewick's Wren, Black-headed Grosbeak, Black-throated Gray warbler, Black-throated Sparrow, Blue-gray Gnatcatcher, Brewer's Sparrow, Brown-headed Cowbird, Bushtit, Cassin's Finch, Chipping Sparrow, Common Raven, Costa's hummingbird, Gray Flycatcher, Horned Lark, House finch, House Wren, Le Conte's Thrasher, Lesser Goldfinch, Loggerhead Shrike, Mourning Dove, Northern Mockingbird, Rock Wren, Sage Sparrow, Say's Phoebe, Spotted Towhee, Swainson's thrush, Vesper Sparrow, Western Scrubjays, and the White-crowned sparrow. (Great Basin Bird Observatory 2007).

3.6.2 Environmental Consequences

The surveys of the action area did not detect any of the sensitive avian species described above. This is typical considering the extreme daytime temperatures and lack of forage in the action area. In addition, a search into the relevance of the Bald and Golden Eagle Protection Act to this project has been sent to the USFWS for response.

Impacts to migratory birds or their habitats are expected to be inconsequential because the desert scrub habitat typically used by migratory birds occurs for thousands of acres around the project area and birds would likely temporarily move into unoccupied habitat during construction. Displacement from the area would constitute a temporary minor adverse impact, but birds would likely reestablish themselves once construction activities are over. There is a low potential for birds to be directly struck or injured by construction activities as they move away from disturbances. If construction occurs during breeding activities, nests may be abandoned causing a moderate adverse impact. However, the potential for breeding activities to occur in the area is low and mitigation measures would reduce adverse impacts to negligible levels.

Prior to surface disturbance, a migratory bird survey would be required as stipulated in the ROW stipulations (Appendix A).

The proposed distribution line would also provide raptor protection in compliance with the standards described in the "Suggested Practices for Raptor Protection on Power Lines, The State of the Art in 2006." Cover devices would be installed on conductors at every pole along the entirety of the distribution line (see Figure 4). All power poles would utilize BLM approved raptor deterrents.

3.7 Socio-Economic Impact

3.7.1 Affected Environment

The Town of Beatty consists of approximately 440 residents and commercial users of the power line. The local economy consists primarily of recreational based services such as restaurants; hotels; hotel/casinos; commercial and non-commercial filming, service to mining and ranching communities; Recreation Vehicle (RV) parks; and government services, including local, state and Federal. The primary tourist draws include: the ghost Town of Rhyolite; Death Valley

National Park; the scenery and mild winter; numerous hot springs in the area; and surrounding desert countryside.

3.7.2 Environmental Consequences

The construction work force would either return nightly to their homes in the nearby communities of Amargosa Valley or Pahrump; rent RV spaces at local RV parks or rent motel rooms for the duration of the construction period. In addition, it is likely that the minimum required 15-20 VEA employees or up to 50-60 contractors would either buy groceries or eat at the established restaurants in the community. It is likely these same construction workers would do some kind of recreational activities both after work and possibly during some of their weekends.

It is not possible to quantify the likelihood of additional seasonal or permanent people moving to Beatty solely as a result of the project. While improved and reliable electrical service may be one incentive, other qualities, such as climate, location, etc. would equally influence a decision to relocate to the area.

3.8 Threatened and Endangered Species-Special Status Species

3.8.1 Affected Environment

There are several BLM sensitive wildlife species that may occur in the survey area. In addition to the threatened desert tortoise (*Gopherus agassizii*), the only other reptile potentially in the area (but not actually observed) is the banded Gila monster (*Heloderma suspectum cinctum*), which is a State of Nevada and a BLM special status species. At the initiation of the Biological Assessment survey, the Amargosa Toad (*Anaxyrus nelsoni*) was in the investigation of process for listing as a threatened and endangered species. At the completion of the 12-month finding review in July 2010, it was determined that this species did not warrant listing throughout its range.

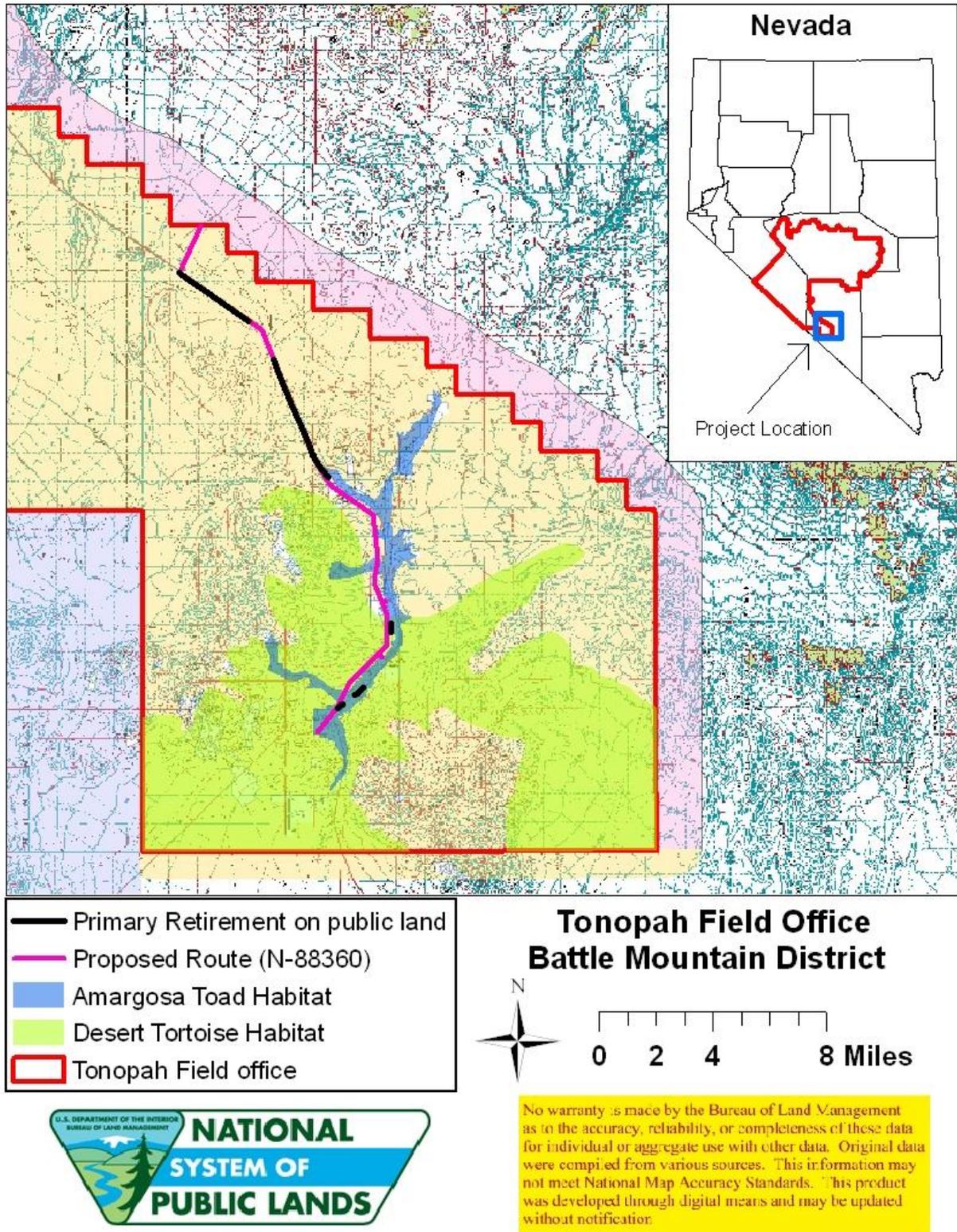
Appendix B contains a list of Threatened and Endangered and Special Status species found in the project area.

3.8.2 Environmental Consequences

According to historical survey data, the area surrounding the proposed project site is low density tortoise habitat. All precautions would be taken during construction periods as if tortoise were present. Standards to be followed are found in Appendix A.

Figure 6

Amargosa Toad and Desert Tortoise Habitat Areas



4.0 CUMULATIVE IMPACTS, INTERDEPENDENT, AND INTERRELATED IMPACTS

The CEQ (40 CFR 1508.7) defines cumulative impacts as:“...the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions.”

These actions include current and projected area development, management activities, and authorizations on private and public land, land use trends, and applicable industrial/infrastructure components. Although the individual impacts of each separate project may not be significant, the additive effects of multiple projects could be. These past, present, and reasonably foreseeable future actions are analyzed to the extent that “they are relevant and useful in analyzing whether the reasonably foreseeable effects of the agency proposal for action and its alternatives may have an additive and significant relationship to those effects.”

Under NEPA, the portion of the distribution line which would continue past the NTTR gates is a “connected action” to the proposed project. Therefore, the construction and operation of the distribution line, maintenance and access roads on Federal lands, and the construction and operation of the distribution line, maintenance and access roads, and substation on USAF managed land, are considered together when analyzing the cumulative effects of other past, present, and reasonably, foreseeable future actions. The portion of the proposed distribution line within the NTTR gates would continue approximately 11.9 miles and terminate at a planned substation and include three planned access roads.

The approach to cumulative impacts of the proposed projects considers “past” projects to be those that have completed construction and are in operation. “Present” projects include those that are currently under construction or have been fully permitted such that they are likely to be part of the existing environment when the proposed projects would begin construction. “Reasonably foreseeable” future projects are those for which a formal permit application has been filed.

4.1 Past and Present Actions

Positive potential cumulative impacts

It is the Bureau’s understanding that Nature Conservancy’s private property along the Amargosa River has approximately 525 acres of habitat improvement within the project area. According to Natural Resource Conservation Service calculations, approximately 190 acres of the 525 acres are Amargosa Toad habitat. The retirement of portions of the existing power line within the Amargosa Toad habitat would result in an additional 39.14 acres of improved habitat.

Other potential cumulative impacts

Other actions known to be occurring include a proposed pumice pit of approximately five acres located in Sober Up Gulch. Finally, a Mining Notice and Plan of Operations has been submitted for exploratory drilling in the Bullfrog Hills. Disturbance for this Notice is estimated to be five

acres. Two other disturbances include: Las Vegas to Reno race route in proximity to the proposed project; and rock quarry workings on private property of unknown size.

4.2 Reasonably Foreseeable Future Actions

Reasonably foreseeable future actions include the continued use of the cumulative study area by wildlife and livestock. Along the proposed project route there is the potential for additional tie-ins by residential or commercial customers. These impacts are not considered to be significant.

The TFO is proposing a 15-acre spring enhancement project for Amargosa Toad habitat to be implemented either late 2011 or early 2012.

The proposed action would require 15-20 on average; but up to 50-60 +/- VEA workers or contractors at a time over a period of 9-12 months. Local business would be supported and provide income to the Beatty community through the purchase of services and goods.

4.3 Evaluation of the Potential Proposed Action Cumulative Impacts

4.3.1 Socio-Economic Impact

The proposed action would not have a significant incremental impact to the socioeconomic values of the Town of Beatty.

4.3.2 Vegetation, Soils

Potential positive impacts of the proposed project, includes retiring the current power line which is located in 39.14 acres of riparian resources. When added to Nature Conservancy's 190 acres of Amargosa Toad habitat and the proposed BLM spring enhancement project of 15-acres, the overall cumulative impact of the proposal, is to potentially improve 19% of the Amargosa Toad habitat.

Other cumulative impacts

The proposed project's 208.86 acres when combined with the 5-acres of pumice notice development and the Bullfrog Hills 5-acre exploration project, is not considered a significant impact to the vegetation and soils of the proposed project area.

Special Status Species

As identified above in the Vegetation and Soil cumulative impact section, the proposed retirement of sections of the existing power lines along with the spring enhancement project would improve a total of approximately 54 acres of spring and habitat for Amargosa Toad, some bat species, and a few avian species.

4.4 Mitigation Measures

4.4.1 Noxious Weeds, Invasive, Non-Native Species

VEA would be responsible for weed control on disturbed areas within the limits of the ROW. They would also be responsible for consultation with the BLM and/or local authorities for acceptable weed control methods within the ROW.

4.4.2 Migratory Birds

To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 15 and July 30.

If any aspects of the project may alter any breeding habitat during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation.

A Migratory Bird survey would be required, to determine the presence of nesting migratory birds, if earth disturbing activities occur between March 1 through August 31. VEA is to contact the Tonopah Field Office at least 4 weeks prior to beginning project earth disturbing activities to schedule the required bird survey.

If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

The distribution line and pole structures would be designed with sixty inch spans to allow for wingspan passage without harm. Any areas that would be less than sixty inches would have guarded wrapped equipment to prevent any harm to birds.

4.5 Threatened and Endangered Species

During site survey by biologists, no desert tortoise or burrows were located within the project area. VEA would adhere to the mitigation measures provided in Appendix A.

5.0 CONSULTATION AND COORDINATION

The following agencies were consulted in regards to the Proposed Project:
Nevada Department of Wildlife
US Fish and Wildlife Service
Nevada State Historic Preservation Office
United States Air Force, 98th Range Wing Plans and Programs, Nellis AFB

5.1 Intensity of Public Interest and Record of Contact

On June 23, 2010, letters were sent to interested persons and organizations informing them of the project that VEA was proposing. A public information meeting was held with affected property

owners and VEA customers on June, 30, 2010. VEA and BLM presented the project and asked for comments at the Beatty Town Advisory Board Meeting held August, 11, 2010.

6.0 List of Preparers/Reviewers

This EA was prepared at the direction of the BLM Tonopah Field Office, Tonopah, Nevada, with Valley Electric Association, Inc. The following is a list of individuals responsible for the preparation of the EA:

Table 5: List of Preparers, Data Providers and Reviewers

Name	Title	Affiliation	Responsibility
Dave Davis	Natural Resource Specialist	Battle Mountain District, BLM	NEPA Coordinator
Mike Wissenbach	Planning and Environmental	Battle Mountain District, BLM RECO	NEPA Coordinator
Wendy Seley	Realty Specialist	Battle Mountain District, BLM RECO	Project Lead Visual Resources, Recreation
Larry Grey	Hydro-Geologist	Battle Mountain District, BLM RECO	Water and Soils
Alan Buehler	Supervisory Geologist	Tonopah Field Office, BLM	Minerals, Air Quality, ACEC's, Recreation/Wilderness, Environmental Justice
John Hartley	Planning and Environmental	Tonopah Field Office, BLM	NEPA Coordinator
Susan Rigby	Archeologist	Tonopah Field Office, BLM	Cultural Resources
Marc Pointel	Supervisory Natural Resource Specialist	Tonopah Field Office, BLM	Rangeland Health
Devin Englestead	Wildlife Biologist	Tonopah Field Office, BLM	Wildlife – Special Status Species
Sheryl Post	Rangeland Management Specialist	Tonopah Field Office, BLM	Weeds Coordinator
Dustin Hollowell	Wild Horse and Burro Specialist	Tonopah Field Office, BLM	Wild Horse and Burro
Adam Stephens	Rangeland Management Specialist	Tonopah Field Office, BLM	Rangeland Health

Name	Title	Affiliation	Responsibility
<i>Preparers</i>			
Angela Phipps	Senior Environmental Scientist	Stanley Consultants	Project Manager
Megan Dusing	Environmental Scientist	Stanley Consultants	Biologist
Robert Leavitt	Vice President	Knight & Leavitt Associates, Inc.	Lead Archaeologist
Jeff Baker	Senior Archaeologist	Knight & Leavitt Associates, Inc.	Archaeologist
Nelsene Alford	Project Biologist	Converse Consultants	Lead Biologist

Name	Title	Affiliation	Responsibility
Reviewers			
Thomas Husted	Chief Executive Officer	Valley Electric Association	Project Management
Marty Lytle	Operations Manager	Valley Electric Association	Project Oversight
Rick Eckert	Finance Manager	Valley Electric Association	Project Management
Curt Ledford	General Counsel	Valley Electric Association	Project Management
Isaac King	Staking Specialist	Valley Electric Association	Project Liaison
Carl Kaucky	Line Foreman	Valley Electric Association	Project Management
Reviewers			
Roger Christensen	Land Management	US Air Force	Project Management

7.0 REFERENCES AND LITERATURE CITED

USDOI. 1997. Tonopah Resource Management Plan. U.S. Department of the Interior, Bureau of Land Management.

USDOI, Bureau of Land Management. 2008. National Environmental Policy Act. Handbook H-1790-1.

USDOI - BLM. 2006. Standards and Guidelines for Nevada's Northeastern Great Basin Area.

USDA—NRCS. 2004. Soil Survey of Nye County, Nevada, Southwest Part.

Phone conversation between BLM and Jim Moore, Nature Conservancy regarding acreage for Parker Ranch, Beatty, NV on February 25, 2011.

APPENDIX A STIPULATIONS

General Stipulations

1. In case of change of address, the holder shall immediately notify the BLM Authorized Officer.
2. In accordance with Federal regulations in 43 CFR 2807.21 any proposed transfer of any right or interest in the right-of-way grant shall be filed with the BLM Authorized Officer. An application for assignment shall be accompanied by a showing of qualifications of the Assignee. The assignment shall be supported by a stipulation that the Assignee agrees to comply with and to be bound by the terms and conditions of the grant to be assigned. No assignment shall be recognized unless and until it is approved in writing by the Authorized Officer.
3. This grant is subject to all valid rights existing on the effective date of this grant.
4. In the event that the public land underlying the right-of-way (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 right-of-way, 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 right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. 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.
5. Future modifications, construction of improvements, or major maintenance operations involving disturbance of the land, shall not occur until plans for such actions have been submitted and approved in writing by the Authorized Officer. Any proposals involving new surface disturbance shall require a cultural inventory and may require completion of an environmental assessment.
6. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes, except for those specific areas designated as restricted by the Authorized Officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.

Pre-construction/Construction Requirements

Submission of Plans, Third Party Compliance Program and Permits

7. The Authorized Officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

8. The Holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the Authorized Officer. Such authorization shall be a written notice to proceed issued by the Authorized Officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
9. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the approved Plan of Development, as amended or supplemented by approval of the Authorized Officer. Any surface disturbing activity, additional construction, or use that is not in accord with the approved Plan of Development shall not be initiated without the prior written approval of the Authorized Officer. A copy of the complete right-of-way lease/grant, including all stipulations and approved Plan of Development, shall be made available on the right-of-way area during construction, operation, and decommissioning. Noncompliance with the above will be grounds for immediate temporary suspension of activities if it constitutes a threat to public health or safety or the environment.

Third Party Contracting [Construction Inspector Contractor (CIC)]

10. The holder shall designate a representative who shall have the authority to act upon and to implement instructions from the Authorized Officer. The holder's representative shall be available for communication with the Authorized Officer within a reasonable time when construction or other surface disturbing activities are underway.
11. The holder shall fund and implement a third party Compliance Program with the Authorized Officer. The Program will include the holder hiring an independent third-party Compliance Inspection Contractor, to be approved by the Authorized Officer, to insure compliance with the terms, conditions and stipulations of this lease/grant, N-88360. All questions or concerns regarding compliance with the terms, conditions, and stipulations of this right-of-way lease/grant shall be directed to the Authorized Officer.
12. The holder will arrange and attend preconstruction conference(s) prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way or specific construction phase of the right-of-way as specified by the Authorized Officer. The holder and/or his representatives will attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, will also attend this conference to review the stipulations of the authorization, including the Plan of Development, as applicable. The holder shall notify the Authorized Officer of the schedule for any preconstruction conference at least 10 calendar days in advance of the preconstruction conference or such timeframe as may be required by the Notice to Proceed.

Human Health and Safety

13. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. A litter policing program shall be implemented by the holder which covers all roads and sites associated with the right-of-way.
14. The holder shall comply with all applicable Federal, State, and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous materials, as defined by 43 CFR 2801.5 that will be used, produced, or transported on or within the right-of-way, or

used in the construction, operation, maintenance, or decommissioning of the right-of-way or any of its facilities.

The holder shall comply with all applicable Federal, State, and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous materials, as defined by 43 CFR 2801.5 that will be used, produced, or transported on or within the right-of-way, or used in the construction, operation, maintenance, or decommissioning of the right-of-way or any of its facilities.

The holder agrees in accordance with 43 CFR 2807.12(e) to fully indemnify the United States against any liability arising from the release of any hazardous 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 of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

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.

The holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the right-of-way or potentially affecting the right-of-way of which the holder is aware.

As required by law, the 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 right-of-way.

15. The holder will ensure that the all health and safety and emergency plans to be required for employees and contractors during construction, operations, and decommissioning of the authorized facility will comply with the Occupational Safety and Health Standards provided in federal regulation 29 CFR, Part 1910, as well as with applicable state and local occupational health and safety regulations.
16. The holder shall mark the exterior boundaries of the right-of-way with stake and/or lath at 100 to 200 foot intervals prior to site mobilization. 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. The holder shall maintain all boundary stakes and/or laths in place during construction and until final cleanup and restoration is completed.
17. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
18. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the associated limits of the right-of-way.

19. The holder shall protect all survey markers found within the right-of-way. Survey markers include, but are not limited to, Public Land Survey System line and corner markers, other property boundary line and corner markers, and horizontal and vertical geodetic monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where any of the above survey markers are obliterated or disturbed during operations, the Authorized Officer will determine how the marker is to be restored.

The holder will be instructed to secure the services of a registered land surveyor or informed that an official survey will be executed by the Bureau of Land Management (BLM). All surveying activities will be in conformance with the Manual of Surveying Instructions and appropriate State laws and regulations. Surveys by registered land surveyors will be examined by the Authorized Officer and the BLM State Office Chief Cadastral Surveyor for conformance with the Manual of Surveying Instructions and State laws and regulations before being filed in the appropriate State or county offices of record. The holder shall be responsible for all administrative and survey costs.

20. During the period of May 1 through October 1 of each year, Holder should consider using spark arresters on vehicles and equipment in the project area, due to the potential for fire ignition from project related activities. This includes emission of hot carbon particles from diesel powered equipment, improperly equipped or poorly operating exhaust systems on gas powered vehicles and direct contact of wildland fuels with catalytic converters. Individuals, groups, businesses or corporations found responsible for the ignition of a wild fire may be held liable for the costs associated with the suppression of that fire.

Hazardous Materials Pesticides

21. Use of pesticides and herbicides shall comply with all applicable Federal and State laws. Pesticides and herbicides shall be used only in accordance with their registered uses within limitations imposed by the Secretary of the Interior. Prior to the use of the pesticides, the holder shall obtain from the Authorized Officer, written approval of a Pesticide Use Proposal Plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, locations of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer.
22. Only those chemicals (pesticides and herbicides) listed on the BLM approved label list are authorized for use on public lands. A Pesticide Use Proposal must be submitted for each chemical used, and it cannot be used until approval has been obtained in writing from the Authorized Officer. The proposal needs to identify any surfactants or dyes used in the spraying operation. Applicator(s) of chemicals used must have completed pesticide certification training and have a current up to date Certified Pesticide Applicator's License. Pesticide and herbicide application records for the areas and acres treated must be submitted to the Authorized Officer each year for the life of the project including the site restoration and reclamation periods. This includes the following:

- Identify target species to be treated
- Brand or Product name
- EPA registration number
- Total amount applied (use rate #A.I./acre)

Date of application
Location of application
Size of area treated
Method of treatment (air/ground)
Name of applicator
Certification number and dates
Costs to treatment
Amount of surfactants or dyes used in spraying operation

The record information must be recorded no later than 14 calendar days following the pesticide or herbicide application and must be maintained for ten years.

23. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Where possible and if needed, topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
24. The Holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).

Cultural

25. Any cultural resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.

The holder shall immediately notify the BLM Authorized Officer of any paleontological resources discovered as a result of operations under this authorization. The holder shall suspend all activities in the vicinity of such discovery until notified to proceed by the Authorized Officer, and shall protect the locality from damage or looting. The Authorized Officer will evaluate, or will have evaluated, such discoveries as soon as possible, but not later than 5 working days after being notified. Appropriate measures to mitigate adverse effects to significant paleontological resources will be determined by the Authorized Officer after consulting with the holder. The holder is responsible for the cost of any investigation necessary for the evaluation and for any mitigation measures, including museum curation.

The holder may not be required to suspend operations if activities can avoid further impacts to a discovered locality or be continued elsewhere, however not suspending operations must be approved by the Authorized Officer.

Although unlikely, any human remains that may be discovered during authorized activities shall be protected by all Project personnel and construction crew members by following the procedures set forth in Section VI of the October 26, 2009, State Protocol Agreement between the BLM and the Nevada State Historic Preservation Office. This includes at a minimum: 1) it is the responsibility of the holder to notify the BLM authorized contracting officer and

archaeologist immediately, 2) cease all construction activities within a 100 meter buffer area, and 3) to ensure protection of the discovery from further damage or vandalism until a BLM-authorized archaeologist evaluates the nature of the materials. If needed, mitigation procedures will be developed by the BLM in consultation with the State Historic Preservation Office.

GIS requirements

26. Within 120 calendar days of completion of construction, the holder shall submit to the Authorized Officer, as-built drawings and a certification of construction verifying that the facility has been constructed in accordance with the design, plans, specifications, and applicable laws and regulations.

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 right-of-way:

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 (775) 482-7800.

Biological and Wildlife

27. All power lines shall be designed, installed, and constructed to be avian-safe in accordance with the standards outlined in "Suggested Practices for Avian Protection on Power Lines: the State of the Art in 2006" (APLIC 2006). Unless otherwise agreed to in writing by the Authorized Officer, power lines shall also be constructed in accordance with standards outlined in "Suggested Practices for Raptor Protection on Powerlines", Raptor Research Foundation, Inc., 1996. The holder shall assume the burden and expense of proving that pole designs not shown in the raptor protection publication are "eagle safe."
28. All ground-disturbing activities will be conducted outside the migratory bird nesting season (March 15 – August 31). If ground-disturbing activities cannot be avoided during this time period, pre-construction nest surveys shall be conducted by a BLM-approved biological monitor with the following guidelines:

For all non-raptor bird species, surveys shall cover all potential nesting habitat in and within 100 feet of the area to be disturbed.

Surveys must be conducted between sunrise and 3 hours post-sunrise when birds are most active.

Active bird nests will not be moved during the breeding season unless the holder is expressly permitted to do so by the USFWS, BLM, and NDOW.

All active nests and disturbance or harm to active nests will be reported within 24 hours to the USFWS, the BLM, and NDOW upon detection. The biological monitor will halt work if it is determined that active nests are being disturbed by construction activities, until further direction or approval to work is obtained from the appropriate agencies.

29. The holder shall ensure that all steep-walled trenches, auger holes, or other excavations are covered at the end of each day. Fencing will be maintained around the covered excavations at night. For open trenches, earthen escape ramps will be maintained at intervals of no greater than 0.25 mile. A biological monitor will inspect all trenches, auger holes, or other excavations a minimum of twice per day, and also immediately prior to back-filling. Any species found will be safely removed and relocated out of harm's way, using a pool net when applicable. For safety reasons, biological monitors will, under no circumstance, enter open excavations.
30. The holder shall consult with the BLM, USFWS, and NDOW regarding conservation measures to be implemented to avoid impacts on desert bighorn sheep during construction. Avoidance and minimization measures could include such elements as preconstruction surveys, biological monitoring, and timing construction activities to avoid bighorn sheep active seasons.

Desert Tortoise Stipulations

31. A desert tortoise awareness program shall be provided to all project workers onsite, which may be in the form of a pamphlet. The program will include, but not be limited to: discussion of the Act and the consequences of noncompliance with it; hazardous substance spill prevention and containment measures; and whom to contact if a desert tortoise is observed. Additionally, it will include information on the life history of the desert tortoise, legal protection for desert tortoises, penalties for violations of Federal and State laws, general tortoise activity patterns, reporting requirements, measures to protect tortoises, and Terms and Conditions of the biological opinion.
32. In the unlikely event that a desert tortoise or a desert tortoise nest is discovered, construction activities in the immediate area should cease until an authorized desert tortoise biologist moves the tortoise out of harm's way or the nest is relocated. Burrows containing tortoises or nests will be excavated by hand, with hand tools, to allow removal of the tortoise or eggs. Ground disturbance in the area should not resume until approval is received from the tortoise biologist.
33. All potential desert tortoise burrows shall be flagged and avoided by all project vehicles, equipment, and activities. At the conclusion of project activities, flagging shall be removed.
34. All excavations shall be checked for tortoises periodically throughout the day and immediately before backfilling. If excavations are not backfilled at the end of the day, they shall be covered and/or fenced to ensure that tortoises cannot enter them.
35. The area underneath parked vehicles and equipment shall be checked for tortoises before moving them.
36. A 15 mph speed limit shall be required for all project vehicles on the project site and unposted access roads.
37. If a desert tortoise occurs in harm's way within the action area for the project and cannot be avoided, the tortoise shall be moved 150 to 1,000 feet from the point of capture in accordance with Service-approved guidelines which is currently Service (2009).

38. All project-related trash and food items shall be disposed properly in predator-proof containers with resealing lids. Trash, stakes, flagging materials, temporary facilities, litter, and all other project-related materials shall be removed from site upon completion of project activities.
39. Any fuel or hazardous waste leaks/spills shall be contained immediately and cleaned up at the time of occurrence. Contaminated soil will be removed and disposed of at an appropriate facility.
40. The project site will be clearly marked or flagged at the outer boundaries prior to initiation of ground disturbance. Project activities shall be limited to the marked or flagged areas and whenever possible, activities shall occur within previously disturbed areas. All project activities shall be limited to the 208.6 acres and project access roads identified in Exhibit B.

Decommissioning/Air Standards

41. The holder shall conduct all activities associated with construction, operation, maintenance and decommission of this right-of-way lease/grant within its authorized limits.
42. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan of development that accompanied the Application and was approved and made part of this grant. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the Authorized Officer. A copy of the complete right-of-way grant, including all stipulations and approved plan of development, shall be made available on the right-of-way during construction, operation, and termination to the Authorized Officer. Noncompliance with the above will be grounds for immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
43. The holder shall comply with all applicable Federal, State, and local laws and regulations, existing or thereafter enacted or promulgated.
44. The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the Authorized Officer.
45. The holder shall evenly spread the excess soil excavated from pole holes within the right-of-way and in the immediate vicinity of the pole structure.
46. The holder shall prevent any activities which may cause erosion. Where erosion has resulted, the holder shall re-vegetate and re-habilitate the location. The holder is responsible for consultation with the Authorized Officer for an acceptable proposal.
47. Ninety days prior to termination of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

APPENDIX B

A list of special status species and sensitive plant species that may occur within the proposed action area include the following:

Table 3-2 Special Status Species that may occur in the project area	
Mammals	Common Name
<i>Antozous pallidus</i>	Palid bat
<i>Eptesicus fuscus</i>	Big brown bat
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat
<i>Myotis californicus</i>	California myotis
<i>Myotis ciliolabrum</i>	Small-footed myotis
<i>Myotis evotis</i>	Long-eared myotis
<i>Myotis lucifungus</i>	Little brown myotis
<i>Myotis volans</i>	Long-legged myotis
<i>Ovis canadensi nelsoni</i>	Desert bighorn sheep
Birds	Common Name
<i>Aquila chrysaetos</i>	Golden eagle
<i>Athene cunucularia</i>	Burrowing owl
<i>Buteo regalis</i>	Ferruginous hawk
<i>Falco mexicanus</i>	Prairie falcon
<i>Lanius ludovicianus</i>	Loggerhead shrike
<i>Pooecetes gramineus</i>	Vesper sparrow
<i>Sphyrapicus nuchalis</i>	Red-naped sapsucker
<i>Vermivora luciae</i>	Lucy's Warbler
Reptiles	Common Name
<i>Gopherus agassizii</i>	Mojave Desert Tortoise
<i>Sauromalus obesus</i>	Gila Monster
Amphibians	Common Name
<i>Anaxyrus nelsoni</i>	Amargosa Toad
Plants	Common Name
<i>Unclahes Rethuiac</i>	Ruth's Milkweed
<i>Astragalus uncialis</i>	Currant Milkvetch
<i>Penstemon palmeri</i>	Palmer's penstemon