



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Caliente Field Office

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http://www.blm.gov/nv/st/en/fo/ely_field_office.html

JUN 03 2011

In Reply Refer to:
2850 (NVL0300)
N-12182

CERTIFIED MAIL 7009 2250 0004 3832 8490 - RETURN RECIEPT REQUESTED

DECISION RECORD

Lincoln County Power District	:	
Mr. David Luttrell	:	Grant of FLPMA Title V Rights of Way
HC 74 Box 101	:	DOI-BLM-NV-L030-2010-0046-EA
Pioche, NV 89043	:	

It is my decision to withdraw the previous March 18, 2011 Decision purporting to amend the existing right-of-way (ROW) grant for ROW NVN-012182, issue two new ROWs, and implement part of the proposed action for the *Scott Substation in Coyote Spring Valley to the Nevada Test and Training Range, Tikaboo Valley, NV Transmission Facilities Project* as described in the *Environmental Assessment* associated with the proposal. Henceforth, the March 18, 2011 decision will be referred to as the Void Decision, and this June 3rd decision shall be referred to as the Withdrawal Decision. In accordance with 43 CFR 2801.10, this Decision is in full force and effective immediately.

Background Information:

Lincoln County Power District (LCPD), to satisfy a pre-development contract with the United States Air Force, proposes to construct new, and upgrade some existing, transmission facilities to provide electrical service from the Scott Substation in Coyote Spring Valley of southern Lincoln County, Nevada to the Nevada Test and Training Range on the southwest side of Tikaboo Valley in western Lincoln County. To provide this service and continue to provide service to its existing customer base, LCPD will upgrade 60.2 km (37.6 mi) of an existing 69 kV transmission line by adding an optical ground wire from Delamar Valley to Tikaboo Valley; construct 20.3 km (12.7 mi) of new 69 kV transmission line in Tikaboo Valley; and construct a new switchyard in Tikaboo Valley. The new 69 kV transmission line would be constructed in a new 30.5 m (100 ft) wide ROW across Tikaboo Valley. These construction activities require a ROW grant amendment from the Bureau of Land Management (BLM).

Rationale For Decision:

An inventory to identify historic properties that may be affected by the proposed action was completed for the entire 154.9 km (96.8 mi) of the preferred route of the proposed transmission line as well as any alternative routes identified in the environmental analysis. This inventory identified 278 archaeological sites and 223 isolated finds. A report documenting these findings has not been completed. Furthermore, the Authorized Officer of the BLM has not made the determinations of which sites within the Area of Potential Effect are eligible for inclusion in the National Register of Historic Places nor has a determination of effect on historic properties been made. Since the conditions of compliance with Section 106 of the National Historic Preservation Act have not been met, it is necessary and appropriate to withdraw the Decision of Finding of No Significant Impact (FONSI). This Withdrawal Decision also withdraws the offer of an amendment ROW (N_12182) to LCPD. A refund for the rental paid in the amount of \$5,538.09 will be issued. After the above conditions of compliance with Section 106 process have been met, BLM will re-consider the decision on the FONSI and rights-of-way.

Appeal:

This Decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management, Caliente Field Office, 1400 S Front St., Caliente, NV within 30 days of either of receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Bureau of Land Management
Caliente Field Office
P O Box 237
Caliente, NV 89008-0237

The appeal may include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons may be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of appeal, statement of reasons, and all supporting documentation also must be sent to each party named in this decision and to the U. S. DOI Solicitor at the following address:

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

This Decision will remain in effect during the appeal unless a petition for stay is granted. If the appellant wishes to file a petition pursuant to regulations at 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a Petition for a Stay of a Decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Approved By: Victoria Barr
Victoria Barr
Field Manager
Caliente Field Office

Date: June 8, 2011