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HOLLAND & HART LLP  
 777 EAST WILLIAM ST STE200  
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### Memo

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Donna Skau  
Commission Secretary  
Public Utilities Commission of Nevada  
1150 E. William Street  
Carson City, NV 89701

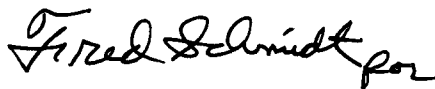
RE: Docket No. 14-\_\_\_\_\_. Application of ORNI 39 LLC, for authority under the provisions of the Utility Environmental Protection Act for a permit to construct a 230-kV transmission line and associated facilities, including a 48 MW geothermal energy generating facility, to be located in Lander County, Nevada.

Dear Ms. Skau:

Accompanying this letter, for filing with the Public Utilities Commission of Nevada (the "Commission") and pursuant to the Nevada Utility Environmental Protection Act, is the Application of ORNI 39 LLC for authority under the provisions of the Utility Environmental Protection Act for a permit to construct a 230-kV transmission line and associated facilities, including a 48 MW geothermal energy generating facility, to be located in Lander County, Nevada. Also enclosed is a Draft Notice for the Application and a check for \$200.00 for the filing fee.

Please contact me at 775-327-3067 if you have any questions or require additional information.

Very truly yours,



Bryce C. Alstead  
for HOLLAND & HART LLP

BCA/cma

Enclosures

cc: Parties of Record

**Holland & Hart LLP Attorneys at Law**

Phone (775) 327-3067 Fax (775) 786-6179 [www.hollandhart.com](http://www.hollandhart.com)

5441 Kietzke Lane, Second Floor, Reno, Nevada 89511

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## PUBLIC UTILITIES COMMISSION OF NEVADA

### COVER SHEET

Pursuant to the Utility Environmental Act Permit Application Guidelines of the Public Utilities Commission of Nevada, the following information is provided as part of the cover sheet to the Application of ORNI 39, LLC, for authority under the provisions of the Utility Environmental Protection Act for a permit to construct a 230-kV transmission line and related facilities, including a 48 MW geothermal energy generating facility ("Proposed Project").

- **Name of the Applicant:** ORNI 39, LLC
- **Name of the Proposed Facility:** McGinness Hills II and McGinness Hills II 230 kV Transmission Line Extension

- **Name, Address and Telephone Number for Additional Information:**

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Kyle Snyder  
Ormat Nevada, Inc.  
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- **Environmental Statement Abstract:**

The Applicant has attached copies of the Final Environmental Assessment and the Finding of No Significant Impact ("FONSI") to the Application. *See* Exhibits 1 and 2 of the Application. Through the environmental assessment process, the Bureau of Land Management ("BLM") conducted a resource evaluation, analyzed each resource, assessed the cumulative impact related to the Proposed Project and identified the mitigation measures, which are included in the Final Environmental Assessment. The FONSI issued by the BLM concluded that net effects of the Applicant's geothermal facilities (both McGinness I and McGinness II) would be positive for public health and safety; that the construction of McGinness I and McGinness II would not disturb any wetlands or riparian vegetation; and that project-specific mitigation measures would serve to mitigate environmental impacts.

- **Public Notice:**

A copy of the Public Notice of the Amended Application and proof of publication of the Public Notice, as required by Nevada Revised Statutes 704.870 are attached as Exhibit 7 of the Application.

1 **BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

2  
3 Application of ORNI 39 LLC, for authority )  
4 under the provisions of the Utility Environmental )  
5 Protection Act for a permit to construct a 230-kV )  
6 transmission line and associated facilities, including a )  
7 48 MW geothermal energy generating facility, located in )  
8 Lander County, Nevada. )  
9 )  
10 )

Docket No. 14-\_\_\_\_\_

11 **APPLICATION OF ORNI 39 LLC FOR A PERMIT TO CONSTRUCT A 230 KV**  
12 **TRANSMISSION LINE AND ASSOCIATED FACILITIES, INCLUDING A 48 MW**  
13 **GEOTHERMAL ENERGY GENERATING FACILITY UNDER THE**  
14 **UTILITY ENVIRONMENTAL PROTECTION ACT**

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| Exhibit 9 Listing of Necessary Permits and Copies of Permits       |             |

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Carson City, Nevada 89701

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**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

Application of ORNI 39 LLC, for authority )  
under the provisions of the Utility Environmental )  
Protection Act for a permit to construct a 230-kV ) Docket No. 14-\_\_\_\_\_  
transmission line and associated facilities, including a )  
48 MW geothermal energy generating facility, located in )  
Lander County, Nevada. )  
\_\_\_\_\_ )

**APPLICATION OF ORNI 39 LLC FOR A PERMIT TO CONSTRUCT A 230 KV  
TRANSMISSION LINE AND ASSOCIATED FACILITIES, INCLUDING A 48 MW  
GEOTHERMAL ENERGY GENERATING FACILITY UNDER THE  
UTILITY ENVIRONMENTAL PROTECTION ACT**

Pursuant to NRS 704.870, ORNI 39 LLC (“Applicant”) hereby submits to the Public Utilities Commission of Nevada (“Commission”) its application for a permit to construct a 230-kV transmission line and associated facilities, including a 48 MW geothermal energy generating facility, under the Utility Environmental Protection Act (“UEPA” and “Application”, respectively). This Application is made pursuant to Sections 704.820 to 704.900 of the Nevada Revised Statutes and Sections 703.415 to 703.427 of the Nevada Administrative Code. In support of the Application, Applicant hereby submits the following information and evidence.

**I. Introduction**

Applicant is proposing to construct, operate, and maintain a modification and extension of an existing 230-kV overhead monopole transmission and communications line and associated facilities, including a new 48 MW geothermal energy generating facility, located near the existing McGinness Hills geothermal energy generating facility (“McGinness I”) approximately 10 miles northeast of the Town of Austin in Lander County, Nevada. The McGinness I geothermal generating plant has a nameplate capacity of 48 MW, which is under the 70 MW threshold required to qualify as a “utility facility” pursuant to NRS 704.860(1). As such, Applicant was not required to obtain a UEPA Permit to Construct for McGinness I, which was completed in June of 2012. The UEPA Permit to Construct (“UEPA Permit”) for the existing 230-kV transmission line, which Applicant’s new transmission facilities are proposed to tie into,

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CARSON CITY, NV 89703

1 was approved by this Commission in Docket No. 11-04014 (the “Existing Line”).

2 Applicant’s proposed modification of the Existing Line would modify and extend the  
3 route of the Existing Line by approximately four tenths of a mile (.4 mile)<sup>1</sup> to allow the Existing  
4 Line to connect with a new 48 MW (nameplate) geothermal energy generating facility under  
5 development by Applicant (“McGinness II”).<sup>2</sup> McGinness II is proposed to be located  
6 approximately one-quarter of a mile to the south of McGinness I. The 0.4-mile long extension of  
7 the 230-kV transmission and communications line and its related transmission and  
8 communication facilities are referenced herein as the “Gen-Tie Extension”, and the Gen-Tie  
9 Extension and McGinness II are collectively referenced herein as the Project.<sup>3</sup>

10 McGinness II is proposed to be a “mirror” facility of the currently operational McGinness  
11 I facility approximately one-quarter mile to its north. Though McGinness II is an independent  
12 generating facility, McGinness II’s output, layout, and generating facilities will be largely  
13 identical to those of McGinness I. The primary purpose of McGinness II is to deliver renewable  
14 energy and related attributes to Nevada Power Company (“NPC”) to help meet Nevada’s  
15 Renewable Energy Portfolio Standard (“RPS”) requirements, and to meet the growing need for  
16 renewable energy in Nevada.<sup>4</sup> The Existing Line currently connects McGinness I to Sierra  
17

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18 <sup>1</sup> The lines to and from the Existing Line are designed to parallel each other. As such, the Gen-Tie Extension is 0.4  
19 mile long if measured by the actual distance of the new lines to be installed. If measured as the distance from the  
Existing Line to McGinness II, the Gen-Tie Extension is roughly 0.2 of a mile long.

20 <sup>2</sup> The nameplate capacity of McGinness II will be 48 MW; consequently, McGinness II does not qualify as a “utility  
21 facility” under NRS 704.860(1). Applicant recognizes that the combined nameplate capacity of McGinness I and  
22 McGinness II exceeds 70 MW; as such, Applicant has the new facilities associated with McGinness II in the  
definition of the Project in the event that the Commission views McGinness II as a “utility facility” under NRS  
704.860(1).

23 <sup>3</sup> While the Environmental Assessment for McGinness I contemplated the potential construction of a second  
24 generating unit located in the area of McGinness II, *see generally* Ex. 1 at Section 1.2, Section 2.1.2, and Figure 6,  
25 McGinness I and McGinness II were developed as stand-alone projects. Following the construction and commercial  
26 operation of McGinness I, Applicant performed additional resources studies and determined that the geothermal  
resource in the area of McGinness I was sufficient to support a second nearby facility. For this reason, Applicant  
27 submits that the construction of McGinness II is exempt from UEPA since it is a stand-alone project with a  
28 nameplate generating capacity of 48MW. Notwithstanding this, Applicant respectfully requests that this  
Commission treat this application as encompassing both the Gen-Tie Extension and McGinness II in the event that  
this Commission believes that McGinness II is not exempt from UEPA.

<sup>4</sup> As discussed later in this Application, this Commission recently approved the Third Amendment to the ORNI 39  
PPA (*see* Docket 13-11007), which adds the capacity of McGinness II to the existing PPA for McGinness I. As  
such, the McGinness II project is being built to provide energy and portfolio credits to NPC under a long-term PPA  
recently approved by the Commission.

1 Pacific Power Company's ("SPPCo") existing Frontier Substation ("Frontier Substation").  
2 Applicant's proposed modification and extension of the Existing Line through the construction  
3 of the Gen-Tie Extension would allow McGinness II to also deliver energy to the Frontier  
4 Substation (and thus NPC). As such, the ultimate purpose of the Project is to generate and deliver  
5 (via the Gen-Tie Extension and the Existing Line) renewable energy to the Frontier Substation  
6 for delivery to NPC.

7 An applicant for a UEPA Permit must undertake a two-step application procedure when  
8 a federal agency is required to conduct an environmental analysis in connection with its approval  
9 of a proposed utility facility. *See* NRS 704.870(2). Here, while the Project is located on federal  
10 land managed by the Bureau of Land Management ("BLM"),<sup>5</sup> the BLM's environmental  
11 analyses for the Project were completed as part of the July 19, 2011 Environmental Analysis  
12 ("EA") for McGinness I. As such, no new environmental analysis is required for the Project.  
13 Copies of the earlier EA and Findings of No Significant Impact (each, a "FONSI") were  
14 previously filed with this Commission in Docket No. 11-04014, and copies of the EA and the  
15 FONSI issued by the BLM are attached hereto as **Exhibits "1" and "2"**.<sup>6</sup>

16 The EA and BLM FONSI for McGinness I encompassed the real property upon which  
17 the Project is proposed to be sited.<sup>7</sup> *See* Ex. 1, at Sections 1.1-1.2 and 2.1.1-2.1.2, and Figure 6  
18 *see also* Ex. 2. Further, the EA contemplated the potential construction of both McGinness I and  
19 McGinness II, as well as the Gen-Tie Extension. *See* Ex. 1, at Sections 1.1-1.2, 2.1.1-2.1.2, and  
20 2.1.5. Additionally, the BLM FONSI's finding of no significant impact related to both  
21 McGinness I and McGinness II, as well as the substations and transmission lines for each  
22 generating facility. *See* Ex. 2 at pp. 2 ("Context"). Accordingly, even though the Project is  
23 located on federal land, because no additional environmental analyses are necessary to allow for

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24  
25 <sup>5</sup> The McGinness II generating facility and the Gen-Tie Extension will each be constructed solely on federal lands  
managed by the BLM. The only associated facility of the Project to be constructed on private lands is one injection  
well (Well 66C-22) located on private land leased to Applicant.

26 <sup>6</sup> Because the Project uses only federal lands managed by the BLM, the FONSI previously issued by the United  
27 States Forest Service is not pertinent to this Application.

28 <sup>7</sup> Neither the Gen-Tie Extension nor McGinness II will require a new federal lease or right-of-way. Instead, both the  
Gen-Tie Extension and McGinness II will be located on BLM lands already leased to Applicant and held by  
geothermal production.

1 the construction of the Project, the two-step U EPA process is not applicable in this instance. *See*  
2 NRS 704.870(2)(a) (requiring the filing of a pre-application notice only where an applicant files  
3 an application with a federal agency for approval for construction of a utility facility).

4 Applicant has obtained many of the permits and approvals necessary to construct the  
5 Project, and Applicant expects to receive the remaining permits it needs to construct the Project  
6 in the coming 8-10 weeks. Due to pending construction timelines for the Project that are driven  
7 by tax, financing, and PPA considerations, among others, Applicant respectfully requests that the  
8 Commission conduct an expedited review of the Application.

9 **II. Information Regarding the Applicant**

10 Applicant is a Delaware Limited Liability Company qualified to do business in Nevada.  
11 Applicant's corporate headquarters and principal place of business is 6225 Neil Road, Reno,  
12 Nevada 89511. Applicant is an affiliate of Ormat Nevada, Inc.

13 All communications or correspondence regarding the Application should be addressed or  
14 directed to the following:

15 Randy Peterson  
16 Kyle Snyder  
17 Ormat Nevada, Inc.  
18 6225 Neil Road  
19 Reno, Nevada 89511  
20 Telephone: (775) 356-9029  
21 Email: [rpeterson@ormat.com](mailto:rpeterson@ormat.com)  
22 Email: [ksnyder@ormat.com](mailto:ksnyder@ormat.com)

23 and

24 Fred Schmidt  
25 Bryce Alstead  
26 Holland & Hart LLP  
27 377 South Nevada Street  
28 Carson City, Nevada 89703  
Telephone: (775) 684-6000  
Email: [fschmidt@hollandhart.com](mailto:fschmidt@hollandhart.com)  
Email: [balstead@hollandhart.com](mailto:balstead@hollandhart.com)

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**III. Responses to Required Disclosures**

The information required by NAC 703.423 is provided as follows.

A. NAC 703.423(1). Description of Location

**1. NAC 703.423(1)(a). A general description of the location of the proposed utility facility including a regional map that identifies the location of the proposed utility facility.**

The utility facility Applicant is proposing to construct, operate and maintain is: (1) an approximately four tenths of a mile (.4 mile) long 230-kV overhead monopole transmission line approximately 10 miles northeast of the town of Austin in Lander County, Nevada and (2) to the extent that the Commission determines that McGinness II requires a UEPA Permit,<sup>8</sup> a 48 MW geothermal energy generating facility also located approximately 10 miles northeast of the town of Austin in Lander County, Nevada.

As discussed in the introduction to this Application, the Gen-Tie Extension is an extension and modification of the Existing Line, which was approved by this Commission in Docket No. 11-04014, and which has now been operational for several years. The Gen-Tie Extension is proposed to connect the proposed McGinness II geothermal energy generating facility with Sierra's existing Frontier Substation. No improvements or alterations to the Frontier Substation are necessary to allow for this interconnection; however, a new on-site substation will be built at McGinness II to allow the Gen-Tie Extension to interconnect with McGinness II, and ultimately the Existing Line.

In addition to the Gen-Tie Extension, Applicant is also proposing to construct a new 48 MW (nameplate) geothermal energy power plant to be known as McGinness Hills II (previously defined as "McGinness II"). The purpose of the Project is to allow McGinness II to generate and deliver renewable energy to NPC. McGinness II will be located approximately one-quarter mile to the south of the existing McGinness I geothermal energy generating facility. A regional map

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<sup>8</sup> As discussed earlier in this Application, Applicant is applying for a UEPA Permit for McGinness II out of an abundance of caution. McGinness II is a stand-alone generating facility with a nameplate capacity under 70MW; notwithstanding this, Applicant is applying for a UEPA Permit for McGinness II in addition to the Gen-Tie Extension in the event that the Commission determines that McGinness II is not exempt from UEPA.

1 of the Project's vicinity, its location, and the transmission route of the Gen-Tie Extension are  
2 attached hereto as **Exhibit "3"**. Design characteristics of the Gen-Tie Extension can be found  
3 below in **Table 1**, below, and design characteristics of McGinness II can be found in **Table 2**,  
4 below.

- 5           **2. NAC 703.423(1)(b). A legal description of the site of the proposed utility**  
6           **facility, with the exception of electric lines, gas transmission lines, and**  
7           **water and wastewater lines, for which only a detailed description is**  
8           **required.**

8           The Project is to be located approximately 10 miles northeast of Austin, Nevada near the  
9 existing McGinness I generating facility. With the exception of one injection well to be located  
10 on private land leased to Applicant, the Project is located entirely on BLM land on which  
11 Applicant had previously obtained a federal lease in connection with the development of  
12 McGinness I and the Existing Line.<sup>9</sup>

13           The Gen-Tie Extension is proposed to be approximately four tenths of a (.4 mile) long in  
14 total distance, and would originate just to the west of the new McGinness II generating facility.  
15 In essence, the Gen-Tie Extension will "loop" off of the Existing Line into a new on-site  
16 substation at the McGinness II facility, and from there back to the Existing Line. The two "legs"  
17 of the Gen-Tie Extension will run parallel to each other, and each leg is proposed to be  
18 approximately two tenths of a mile (.2 mile) long.

19           The McGinness II generating facility will be located in Sections 21 and 22, T20N, R45E,  
20 in Lander County. The proposed footprint of the McGinness II generating facility is  
21 approximately 12 acres, which includes the footprint of the new on-site substation through which  
22 the Gen-Tie Extension will connect with McGinness II. The overall site disturbance associated  
23 with McGinness II, including its ancillary facilities such as well pads, is anticipated to be  
24 approximately 34 acres in the aggregate.<sup>10</sup> A specific legal description of the McGinness II  
25 generating facility is attached hereto as **Exhibit "4"**.

26 \_\_\_\_\_  
27 <sup>9</sup> The Project is located on BLM Lease Number NVN-083967.

28 <sup>10</sup> As discussed in more detail later in this Application, Applicant does not anticipate that 34 acres will be disturbed  
at any given time; rather, this figure represents the total land disturbance associated with all construction activities  
related to the Project.

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**3. NAC 703.423(1)(c). Appropriately scaled site plan drawings of the proposed utility facility, vicinity maps and routing maps.**

Please see Ex. 3 for vicinity maps and routing maps for the Project. Scaled site plan drawings for the Gen-Tie Extension portion of the Project are attached hereto as **Exhibit "5"** and scaled site plan drawings for the McGinness II portion of the Project are attached hereto as **Exhibit "6"**.

**B. NAC 703.423(2). Description of Facility**

**1. NAC 703.423(2)(a). The size and nature of the proposed utility facility.**

The Gen-Tie Extension portion of the Project is proposed as a 230-kV overhead transmission line and fiber optic line that will be approximately four tenths (.4 mile) of a mile long (approximately two-tenths of a mile long each way). Design characteristics of the Gen-Tie Extension can be found below in Table 1.

**Table 1. Design Characteristics of the Gen-Tie Extension Portion of the Project**

|                               |   |
|-------------------------------|---|
| <b>Line Length</b>            | Approximately 0.4 miles total (approximately .2 miles each way from the Existing Line to the on-site substation at McGinness II).   |
| <b>Type of Structure</b>      | Two (2) double circuit weathering steel mono-poles.   |
| <b>Structure Height</b>       | 100 to 110 feet above ground line on concrete caisson foundations.  |
| <b>Span Length</b>            | Average ~ 470 ft  |
| <b>Number of structures</b>   | Two (2) structures total  |
| <b>Structure Base</b>         | Concrete Caisson Foundations  |
| <b>Conductor Types</b>        | Conductor - 795 ACSR All Aluminum "Tern"  |
| <b>Clearance of Conductor</b> | Minimum of 8 feet phase to phase based on SPPCo Standard for structures at 230 kV   |
| <b>Access Roads</b>           | Existing roads would be utilized whenever possible to access the line. In those areas where no access roads currently exist, Applicant would utilize overland travel on existing BLM leases to access the |

|                |   |
|----------------|---|
|                | line. No permanent new access roads are necessary for the operation of the Gen-Tie Extension. |
| <b>Voltage</b> | 230 kV  |

The McGinness II portion of the Project will be a 48 MW (nameplate) geothermal energy generating facility located on approximately 12 acres of land generally to the south of the existing McGinness I geothermal generating facility. McGinness II will be located within an existing BLM lease (NVN-083967) that was granted in connection with Applicant's development of McGinness I. McGinness II will use three generators to achieve its total gross nameplate rating of 55 MVA and 48 MW: (i) 20 MVA @ 0.9 Power Factor; (ii) 20 MVA @ 0.9 Power Factor; and (iii) 15 MVA @ 0.8 Power Factor. Design characteristics of McGinness II, including the on-site substation that will be used to connect with the Project, can be found below in Table 2.

**Table 2. Design Characteristics of McGinness II**

|                         |  |
|-------------------------|--|
| <b>Process Design</b>   | Ormat Integrated 3-level Unit® (I3LU) consisting of two parallel two-level Ormat Energy Converters (OECs) followed in series by a third, low-pressure OEC.   |
| <b>Major Components</b> | Preheaters, vaporizers, organic turbines, synchronous generators, recuperators, air-cooled condensers, motive fluid pumps, switchgear and controls, control building, fire detection and suppression systems, step-up/step-down transformer, protective relays, and generation meters.       |
| <b>Geothermal Wells</b> | McGinness II will require five new production wells and one new injection well. The new injection well will be sited on private property leased to Applicant; all new production wells will be sited on leases that Applicant was granted in connection with the development of McGinness I. |

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| <b>Maximum Output</b>  | 48 MW Net              |
| <b>Average Output</b>  | 29.8 MW Net            |
| <b>Total Surface Disturbance for McGinness II Generating Facility</b>  | 12.2 acres             |
| <b>Total Anticipated Surface Disturbance for Construction of All New Facilities Associated with McGinness II</b> | Approximately 34 acres |

**2. NAC 703.423(2)(b). The natural resources that will be used during construction and operation of the utility facility.**

The only natural resource that Applicant needs to utilize for the construction and operation of the Project is water. Construction water will be necessary for stabilizing soils and to control fugitive dust during the grading process. Applicant estimates that approximately 10,000 gallons per day (“gpd”) of water will be used during the construction phase of the Project, which will last for approximately 10 days with respect to the Gen-Tie Extension portion of the Project, and for approximately 9 to 10 months with respect to the McGinness II generating facility portion of the Project. Construction water for the Project will come from an existing well owned by Applicant.<sup>11</sup> Once Project grading is completed, no natural resources will be necessary for the operation of the Project. Notably, because McGinness II will be an air-cooled power plant, no water rights (or other natural resources) will be necessary for the operation of McGinness II.

**3. NAC 703.423(2)(c) and (d). The layout diagrams of the structures at the proposed utility facility.**

Layout diagrams for the Gen-Tie Extension are attached hereto as Ex. “5” and layout diagrams for McGinness II are attached hereto as Ex. “6”.

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<sup>11</sup> Applicant will either file for a temporary use permit with the State Engineer to allow for this short-term use, or will obtain water from a private source that Applicant previously contracted with during the construction of McGinness I.

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**4. NAC 703.423(2)(c) and (d). The scaled diagrams of the structures at the proposed utility facility.**

Scaled drawings for the Gen-Tie Extension are attached hereto as Ex. "5" and scaled site plan drawings for McGinness II are attached hereto as Ex. "6".

**5. NAC 703.423(2)(e). A statement concerning whether the proposed utility facility is an electrical generating plant or the associated facilities of an electric generating plant that uses renewable energy as its primary source of energy to generate electricity.**

The Project includes two components. The Gen-Tie Extension portion of the Project comprises associated transmission and communications facilities of the McGinness II portion of the Project, which is an electrical generating plant using renewable geothermal energy as its primary source of energy.

**C. NAC 703.423(3). Environmental Studies**

A copy of the EA that the BLM issued in connection with its approval of McGinness I is attached to this Application as Ex. 1. As discussed earlier in this Application, the EA for McGinness I also contemplated the construction of McGinness II and its associated facilities, such as the Gen-Tie Extension. The environmental studies conducted by the BLM in connection with the EA ultimately resulted in the conclusion that the construction and operation of the Project would not significantly impact the quality of the human environment and that an Environmental Impact Statement (EIS) was not required for the Project. *See* Ex. 2 at pp. 1. Specifically, the BLM found that the net effects of McGinness I and McGinness II would be positive for public health and safety; that the construction of McGinness I and McGinness II would not disturb any wetlands or riparian vegetation; and that project-specific mitigation measures would serve to mitigate any impacts on sage grouse. *See* Ex. 2 at pp. 3-8. The FONSI issued by the BLM (attached as Ex. 2) provides a thorough summary of the earlier environmental studies conducted by the BLM.

**D. NAC 703.423(4). Reasonable Alternative Locations.**

There are no reasonable alternative locations for the Project. The Existing Line has already been constructed in the location previously approved by this Commission, and the location of McGinness II was previously approved by the BLM. The location of McGinness II

1 (and its ancillary facilities, such as the Gen-Tie Extension) was approved by the BLM through  
2 the EA process. *See*, Ex. 1 and Ex. 2. An alternative location for the Existing Line was  
3 considered, and ultimately rejected, by the BLM and USFS during the EA process for  
4 McGinness I. *See* Ex. 1, at Section 2.2.1. As previously noted, the location of the Existing Line  
5 was also approved by this Commission in Docket No. 11-04014.

6 The primary reasons why the preferred transmission route is best suited for the proposed  
7 utility facility are that the location of McGinness II and its ancillary facilities was already  
8 approved by the BLM; that no sensitive areas will be disturbed by the preferred route; and, that  
9 the preferred route will allow Applicant to avoid the cost and land disturbance that would be  
10 attendant to a longer route.<sup>12</sup> Additionally, the Existing Line has already been constructed, and  
11 the preferred route of the Gen-Tie Extension provides for the shortest and most direct route to  
12 allow for the interconnection of McGinness II with the Existing Line. Finally, due to the remote  
13 location of the Project, the Project will not be visible from any municipalities or populated areas.

14 E. NAC 703.423(5). Proof of Public Notice

15 A copy of the Proof of Public Notice is attached hereto as **Exhibit “7”**.

16 F. NAC 703.423(6). Proof of Service to the Nevada State Clearinghouse.

17 A copy of the proof of service to the Nevada State Clearinghouse is attached hereto as  
18 **Exhibit “8”**.

19 G. NAC 703.423(7). Probable Effect on Environment

20 1. **NAC 703.423(7)(a). A reference to any studies, if applicable.**

21 Please *see* the Final Environmental Assessment for the McGinness Hills geothermal  
22 generating facility (July 2011), attached hereto as Ex. 1. As noted earlier in this Application, the  
23 EA for McGinness I also contemplated the construction of McGinness II and its associated  
24 facilities.

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28 <sup>12</sup> A longer route would also require additional water resources for dust suppression.

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**2. NAC 703.423(7)(b). An environmental statement that includes:**

*i. The name, qualifications, professions and contact information for each person with primary responsibility for the preparation of the environmental statement.*

A list of preparers and reviewers of the environmental statement can be found in the EA for McGinness I (Ex. 1) at Section 5.1. The following is the contact information for the lead and cooperating agencies that prepared the EA:

BLM  
Mount Lewis Field Office  
50 Bastian Road  
Battle Mountain, NV 89820  
Phone: (775) 635-4034

BLM  
Battle Mountain District Office, RECO  
50 Bastian Road  
Battle Mountain, NV 89820  
Phone: (775) 635-4000

United States Forest Service  
Humboldt-Toiyabe National Forest  
2035 Last Chance Road  
Elko, NV 89801  
Phone: (775) 778-6127

U.S Department of Energy  
1000 Independence Avenue, SW  
Washington D.C., 20585

Environmental Management Associates  
2520 Snow Lane  
Redding, California 96003-3419  
Phone: (530) 246-8117

*ii. The name, qualifications, professions and contact information for each person who has provided comments or input in the preparation of the environmental statement.*

On August 6, 2010, the BLM and USFS sent out 180 public consultation letters that contained a brief description of McGinness I and McGinness II. A total of ten (10) responses were received from the following groups: Duckwater Shoshone Tribe, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Nevada Department of Wildlife, Center for Biological Diversity and Western Watersheds Project. See Ex. 1, at Section 1.6.2. On May 27,



1 2011, the BLM issued a letter requesting interested persons to comment on the draft  
2 Environmental Assessment. The comments submitted are located in Appendix F of the EA. *See*  
3 Ex. 1, at page 231. Applicant does not have the name, qualifications, professions and contact  
4 information for each of the individuals that submitted comments beyond the information  
5 contained in Appendix F to the EA. The BLM also invited government entities to participate as  
6 cooperating agencies. The cooperating agencies that participated can be found in Section 5.2 of  
7 the EA. Applicant does not have the name, qualifications, professions and contact information  
8 for these cooperating agencies.

9 *iii. A bibliography of materials used in the preparation of the*  
10 *environmental statement.*

11 A complete bibliography of materials used in preparation of the EA can be found in  
12 Section 6 of the EA. *See* Ex. 1, at pp. 170-177.

13 *iv. A description of the environmental characteristics of the project area*  
14 *existing at the time the application is filed with the Commission.*

15 The Project area lies within the Wyoming Big Sagebrush-Indian Ricegrass-Thurber's  
16 Needlegrass and Basin Big Sagebrush-Wyoming Big Sagebrush-Rubber Rabbitbrush-Basin  
17 Wildrye vegetative communities. Elevations in the general area of the Project range from 6,700  
18 feet above mean sea level (amsl) to 6,900 feet amsl. The BLM and USFS provided a detailed  
19 description of the environmental characteristics of the Project area, as it existed in 2010, in  
20 Section 3 of the EA. *See* Ex. 1, at pp. 48-145. The environmental characteristics of the Project  
21 area have not materially changed since the EA was released.

22 *v. A description of the environmental impacts that the construction and*  
23 *operation of the proposed utility facility will have on the project area*  
24 *before mitigation.*

25 The construction and operation of the Project will have a minimal impact on the Project  
26 area. The BLM has previously determined that the construction and operation of McGinness II  
27 will not have a significant environmental impact. *See* Ex. 2.<sup>13</sup> Potentially affected natural  
28 resources were evaluated by the BLM during its environmental review. *See* Ex. 1, at Sections 3

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<sup>13</sup> Like the EA, the FONSI applies to both McGinness I and McGinness II. *See* Ex. 2 at pp. 2-3.

1 and 4. Studies of these resources and an impact analysis were conducted, and mitigation  
2 measures and design parameters were developed to offset any significant impact. *See* Ex. 1, at  
3 Appendices C-E and Section 2.1.11.

4 The construction of the Gen-Tie Extension portion of the Project will result in the  
5 disturbance of approximately 9 acres of land over a period of approximately 9 weeks. Once  
6 constructed, the Gen-Tie Extension portion of the Project will have no ongoing environmental  
7 impacts. The only permanent improvements associated with the Gen-Tie portion of the Project  
8 are two (2) double circuit weathering steel monopoles and their foundations. The operation of the  
9 Gen-Tie portion of the Project will be limited to periodic inspection and maintenance activity  
10 that is not anticipated to create additional disturbances.

11 The construction of the McGinness II portion of the portion of the Project (including its  
12 ancillary facilities such as well pads and pipelines) will result in the disturbance of  
13 approximately 34 acres of land over a total period of 9 to 10 months.<sup>14</sup> Once constructed, the  
14 McGinness Hills portions of the Project will be limited to a surface disturbance of approximately  
15 12.2 acres for the generating facility, and minor areas of disturbance associated with well pads  
16 and pipelines. Notably, McGinness II will not require the use of post-construction water  
17 resources because it is an air-cooled facility. Outside of periodic maintenance, Applicant does  
18 not anticipate the creation of additional disturbances during the operation of the McGinness II  
19 portion of the Project.

20 *vi. A description of the environmental impacts that the construction and*  
21 *operation of the proposed utility facility will have on the project area*  
22 *after mitigation.*

23 The BLM has provided mitigation factors and plans that Applicant must follow during  
24 the construction and operation of the Project, including various monitoring and mitigation plans.  
25 *See* Ex. 1, at Appendices C-E. The BLM concluded that to the extent that the  
26 recommended/stated mitigation measures are implemented, the Project will have no significant

27 <sup>14</sup> Please note that the 34 acre figure represents the total surface disturbance associated with the construction of  
28 McGinness II. Not all 34 acres will be disturbed at the same time, or to the same extent (e.g., the well pads will be  
placed at different times than the generating facility, and only the well pads and generating facility will result in  
permanent disturbances).

