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**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

Application of Nevada Power Company d/b/a NV )  
Energy for a Permit to Construct the Harry Allen )  
Substation Expansion Project Under the Utility ) Docket No. 14-09020  
Environmental Protection Act )  
/

**APPLICATION OF NEVADA POWER COMPANY D/B/A NV ENERGY FOR A  
PERMIT TO CONSTRUCT THE HARRY ALLEN SUBSTATION EXPANSION  
PROJECT UNDER THE UTILITY ENVIRONMENTAL PROTECTION ACT**

**A. INTRODUCTION**

Applicant Nevada Power Company d/b/a NV Energy (“Nevada Power”), in accordance with Subsection 2 of Nevada Revised Statutes (“NRS”) 704.870 and Nevada Administrative Code (“NAC”) 703.423, hereby files with the Public Utilities Commission of Nevada (the “Commission”) this Application for a Permit to Construct the facilities described below (the “Proposed Utility Facility” or “Project”), namely the Harry Allen Substation Expansion Project, pursuant to the Utility Environmental Protection Act (“UEPA”) set forth in NRS 704.820 to 704.900.

This Application is filed with the Commission pursuant to subsection 2 of NRS 704.870 for a permit to construct a utility facility where a federal agency has issued its final environmental assessment relating to the construction of the Proposed Utility Facility. Nevada Power respectfully requests that the Commission approve this Application for a UEPA Permit to Construct as filed, pursuant to NRS 704.8905(b).

In this Application, Nevada Power requests the issuance of a Permit to Construct for the Harry Allen Substation Expansion Project. The Proposed Utility Facility consists of the expansion and consolidation of Nevada Power’s existing 345/230kV Harry Allen Substation and 500 kV Harry Allen Substation into a consolidated substation, through the addition of a 525/230kV 1,500 MVA transformer, new 230 kV and 525 kV circuit breakers, new fencing and associated facilities. The purposes of the Harry Allen Substation Expansion Project are to (1) Facilitate the interconnection of new renewable energy generation to the Nevada

1 Power system for delivery to Nevada Power customers and for delivery to market; (2)  
2 increase the amount of bulk energy Nevada Power can bring into its 230 kV transmission  
3 system and through the Las Vegas Valley, necessitated by the planned retirement of 557  
4 MW of generating capacity at the Reid Gardner Generating Station; (3) avoid added costs  
5 that would be incurred to operate more generation located within the Las Vegas Valley out  
6 of economic dispatch order; and (4) enable Nevada Power to meet new requests for  
7 transmission service.

8 **B. GENERAL ALLEGATIONS**

9 1. Nevada Power is a wholly-owned subsidiary of NV Energy, Inc., a holding  
10 company incorporated under the laws of the State of Nevada, which in turn is a wholly-  
11 owned subsidiary of Berkshire Hathaway Energy.

12 2. Nevada Power provides retail electric service to the public in portions of  
13 Clark and Nye Counties and is a “public utility” as that term is defined and used in NRS  
14 704.741 to .751 (Resource Planning).

15 3. Nevada Power’s principal place of business, mailing address and telephone  
16 number are: 6226 West Sahara Avenue; P.O. Box 98910, Las Vegas, Nevada 89151; (702)  
17 402-5000.

18 4. All correspondence related to this Application (copy of all pleadings, notices,  
19 orders and discovery requests) should be sent to the undersigned counsel and to the  
20 Manager of Regulatory Services, whose names and addresses are set forth below:

21 22 Christopher A. Hilén Associate General Counsel <b>NV Energy</b> 6100 Neil Road Reno, NV 89511 Tel: (775) 834-5696 Fax: (775) 834-4811 E-Mail: <a href="mailto:chilen@nvenergy.com">chilen@nvenergy.com</a>	23 Trevor Dillard Manager Regulatory Services <b>NV Energy</b> 6100 Neil Road Reno, NV 89511 Tel: (775) 834-5823 Fax: (775) 834-4484 E-Mail: <a href="mailto:regulatory@nvenergy.com">regulatory@nvenergy.com</a>
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**C. LEGAL AUTHORITY**

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2 5. UEPA establishes a two-step application procedure for projects subject to  
3 federal permitting and environmental review. Under NRS 704.870.2(a), if a federal agency  
4 is required to conduct an environmental analysis of a proposed utility facility, the utility is  
5 required to file with the Commission, no later than the date on which the utility files an  
6 application with the appropriate federal agency, a notice of the federal filing. The notice  
7 must provide a general description of the proposed facility and its location, the date on  
8 which the application was filed with the appropriate agency, and proof that the notice has  
9 been submitted to the Nevada State Clearinghouse (NAC 703.421).

10 6. Subsequently, not later than 30 days after the issuance of either the final  
11 environmental assessment or final environmental impact statement by the federal agency,  
12 the utility is required to file with the Commission an application (NRS 704.870.2(b)).

13 7. This Application for a Permit to Construct the Proposed Utility Facility is  
14 filed in accordance with the Commission’s regulations governing pleadings (NAC 703.530  
15 et seq.); the Utility Environmental Protection Act (“UEPA”) (NRS 704.820 to .900),  
16 specifically: NRS 704.870.2 (requirements for filing after a federal agency has completed  
17 its environmental review of the project); NRS 704.873 (Commission has exclusive  
18 jurisdiction to determine need for utility facilities); NRS 704.890 (Grant or denial of  
19 application: Required findings; conditions and modifications); and the Commission’s  
20 regulations governing construction of utility facilities (NAC 703.415 to .427, specifically,  
21 NAC 703.423, requirements for filing after a federal agency has completed its  
22 environmental review of the project).

23 8. Nevada Power respectfully requests that the Commission accept this  
24 Application as complying with the statutory and regulatory requirements set forth above,  
25 grant this Application and, when Nevada Power files with the Commission all other  
26 government permits, licenses and approvals required for it to construct the Proposed Utility  
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1 Facility, issue Nevada Power a Permit to Construct the Proposed Utility Facility pursuant to  
2 NRS 704.8905.

3 **D. ALLEGATIONS OF MATERIAL FACTS**

4 9. The Proposed Utility Facility, the Harry Allen Substation Expansion Project,  
5 will be constructed in Clark County, Nevada and will consist of an expansion of two  
6 existing Nevada Power substations, the 40 acre Harry Allen 345/230kV Substation and the  
7 19 acre Harry Allen 500kV Substation, into one consolidated substation approximately 100  
8 acres in size, that will connect the following new components to the existing components of  
9 each substation:

- 10 • two (2) 230kV circuit breakers;
- 11 • one (1) 525kV circuit breakers;
- 12 • one (1) 525/230kV 1,500 MVA transformer;
- 13 • extension of the existing fence lines of each substation such as to become  
14 one single substation, with appropriate security protections, gates and  
15 civil drainage features to accommodate stormwater flows;
- 16 • replacement of the existing 230kV bus with a new bus to handle the  
17 increased capacity; and
- 18 • all associated protective relaying systems, circuits, primary and  
19 secondary telecommunication systems and related equipment appurtenant  
20 to the safe, reliable and cost-effective operation of these new and existing  
21 facilities.

22 10. Nevada Power has a need to provide safe, reliable and cost-effective electric  
23 transmission service, to provide safe, reliable and cost-effective electric service to its retail  
24 service customers, and to maintain its transmission system in compliance with federally  
25 mandated safety and reliability standards. It is also required to construct interconnection  
26 and network transmission facilities sufficient to meet the requests of generators to  
27 interconnect to the Nevada Power transmission system and to provide requested  
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1 transmission service in compliance with federal law and requirements imposed by the  
2 Federal Energy Regulatory Commission. The Harry Allen Substation Expansion Project  
3 will enable Nevada Power to meet these requirements in the following manner:

- 4 a. It will enable Nevada Power to interconnect new renewable energy  
5 generation to the Nevada Power system for delivery to Nevada Power  
6 customers and for delivery to market.
- 7 b. It will enable Nevada Power to increase the amount of bulk energy it  
8 brings into its 230 kV transmission system and through the Las Vegas  
9 Valley, which is necessitated by the planned retirement of 557 MW of  
10 generating capacity at the Reid Gardner Generating Station.
- 11 c. It will avoid the added costs that would be incurred if Nevada Power  
12 were to re-dispatch its system to operate more generation located within  
13 the Las Vegas Valley out of economic dispatch order.
- 14 d. It will enable Nevada Power to meet new requests for transmission  
15 service.

16 11. On September 25, 2014, Nevada Power filed with the Commission a Notice  
17 under the Utility Environmental Protection Act of an Application for Approval by a Federal  
18 Agency to Construct the Harry Allen 525/230kV Substation Expansion Project.

19 12. On November 7, 2014, the U.S. Bureau of Land Management (“BLM”)  
20 issued a Categorical Exclusion for the Project (*see Exhibit D – Categorical Exclusion*),  
21 because the action of the Project is categorically excluded from further documentation  
22 under the National Environmental Policy Act. The BLM determined that a Categorical  
23 Exclusion is appropriate in this situation because there are no extraordinary circumstances  
24 potentially having effects that may significantly affect the environment, and the Proposed  
25 Utility Facility is within the boundaries of a compatibly developed right-of-way (“ROW”)  
26 owned and operated by Nevada Power since 1988 under specific mitigation and reporting  
27 requirements (*see Exhibit E – BLM ROW Grant N-12873*).  
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1           13.     The Categorical Exclusion issued by the BLM incorporates significant  
2 mitigation measures for the construction of the new facilities. *See Exhibit D* – Categorical  
3 Exclusion, pages 4-24 of 31. In addition, the Categorical Exclusion includes specific  
4 reporting requirements that will apply during the construction of the new facilities. *See*  
5 **Exhibit D** – Categorical Exclusion, pages 25-31 of 31.

6           14.     The proposed location and design of the Proposed Utility Facility represents  
7 the minimum adverse effect on the environment due to its proximity to, and planned  
8 consolidation of, Nevada Power’s two existing Harry Allen substations. The new facilities  
9 will be constructed in part on already-disturbed land on which the two existing substations  
10 are located and in part on undisturbed land between the two existing substations, thereby  
11 minimizing the total amount of undisturbed land that will be utilized for the Project.

12           15.     Under NRS 704.873 the Commission has exclusive jurisdiction to determine  
13 the need for the Proposed Utility Facility. The Commission has made that determination.  
14 Nevada Power proposed the Harry Allen Substation Expansion Project in the First  
15 Amendment to its 2013-2032 Integrated Resource Plan (Docket No. 14-05003) and the  
16 Second Amendment to its 2013-2032 Integrated Resource Plan and Action Plan (Docket  
17 No. 14-06022). The Commission approved Nevada Power’s performance of the Project in  
18 an order dated October 28, 2014 in consolidated Docket Nos. 14-05003 and 14-06022. *See*  
19 pages 82-89.

20           16.     The Proposed Utility Facility is more fully described in the attached Part 2 of  
21 this UEPA Application and its exhibits, which: (a) Describes the location and nature of the  
22 Proposed Utility Facility; (b) summarizes studies made of the environmental impact of the  
23 construction of the proposed facility; (c) describes the analysis performed of alternative  
24 locations for the Proposed Utility Facility and the benefits provided by locating the  
25 Proposed Utility Facility as proposed; (d) describes the environmental effects of the  
26 construction and operation of the Proposed Utility Facility, and (e) describes the measures  
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1 that will be implemented to mitigate those impacts, as required by NRS 704.870.2(b) and  
2 NAC 703.423.

3 17. Together with the detailed project description (see the attached Part 2 of the  
4 UEPA Application) and **Exhibit A** (Project Location), **Exhibit B** (Site Plan Drawing),  
5 **Exhibit C** (Layout Diagram), **Exhibit D** (Categorical Exclusion), **Exhibit E** (BLM Right of  
6 Way Grant N-12873), **Exhibit F** (Public Notice and Affidavits of Publication), **Exhibit G**  
7 (Certificate of Service), and **Exhibit H** (UEPA Permit to Construct issued for the original  
8 500 kV Harry Allen Substation in 2001), which are incorporated herein by reference, this  
9 Application contains all of the information required for the Commission to evaluate and  
10 grant the Application.

11 18. Nevada Power will provide additional permits, licenses and approvals  
12 granted by other government agencies that are required to construct the Proposed Utility  
13 Facility to the Commission as they are received by Nevada Power.

14 19. Regarding public notice, proof of publication of a summary of this  
15 Application has appeared in newspapers published and distributed in the area where the  
16 Proposed Utility Facility is planned pursuant to NRS 704.870.4(b) and NAC 703.423(5)  
17 (*see Exhibit F*).

18 20. Regarding proof of service, a copy of this Application has been filed on the  
19 clerk of each local government affected by the location pursuant to NRS 704.870.4(a) (*see*  
20 **Exhibit G**).

21 21. The State Environmental Commission is designated as a party to this  
22 proceeding, pursuant to NRS 704.885(1)(b), and has been served a copy of this Application  
23 pursuant to NRS 704.870(3), simultaneously with this filing (*see Exhibit G*).

#### 24 **E. PRAYER FOR RELIEF**

25 Nevada Power respectfully requests that the Commission proceed in the manner  
26 required by law and, in accordance with NAC 703.535(d), issue an order that:  
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- A. Grants a Permit to Construct the Proposed Utility Facility, as described herein;
- B. Grants such conditions and modifications that may allow for the issuance of the UEPA Permit to Construct or a compliance order with the condition that Nevada Power may file any outstanding required permits, licenses or approvals with the Commission prior to commencing construction of the Proposed Utility Facility pursuant to NRS 704.890;
- C. Grants such deviations from the Commission’s regulations as may be in the public interest; and
- D. Grants Nevada Power such other and further relief as the Commission may find reasonable and appropriate under the circumstances.

Respectfully submitted this 20<sup>th</sup> day of November, 2014.

**NEVADA POWER COMPANY  
D/B/A NV ENERGY**

By: /s/Christopher A. Hilén  
Christopher A. Hilén  
Associate General Counsel  
6100 Neil Road  
Reno, Nevada 89511  
Tel: (775) 834-5696  
Fax: (775) 834-4098  
chilen@nvenergy.com

## Draft Notice Application for Applications, Petitions and Complaints

The Commission requires a draft notice be included with all applications, petitions and complaints. See Nevada Administrative Code 703.162. Please include one copy of this form with all the above filings.

- I. Include a title that describes the relief requested, or proceeding scheduled pursuant to Nevada Administrative Code (“NAC”) 703.160(4)(a).

Application of NEVADA POWER COMPANY d/b/a NV ENERGY for a Permit to Construct the Harry Allen Substation Expansion Project Under the Utility Environmental Protection Act

- II. Include the name of the applicant, complainant, petitioner, or the name of the agent for same pursuant to NAC 703.160(4)(b).

Nevada Power Company d/b/a NV Energy

- III. Include a paragraph with a brief description of the purpose of the filing or proceeding with an introductory statement in plain English understandable to a person of average knowledge and intelligence, that summarizes the relief requested or proceeding scheduled, **AND** its impact upon consumers, pursuant to NAC 704.160(4)(c).

This is Nevada Power’s application for approval of a permit to construct electric facilities pursuant to the Utility Environmental Protection Act set forth in NRS 704.820 to .900 and in NAC 703.415 to .427, as amended (“UEPA”).

Under the UEPA, if a federal agency is required to conduct an environmental analysis of a proposed facility, the utility is required to file with the Public Utilities Commission of Nevada (“Commission”) a notice of the federal filing that provides a general description of the proposed facility, its location, the date on which the application was filed with the appropriate federal agency, and proof that the notice has been submitted to the Nevada State Clearinghouse. Subsequently, not later than 30 days after the issuance of the final environmental assessment or final environmental impact statement by the federal agency, the utility is required to file with the Commission an application for a permit to construct the proposed facility under UEPA.

The proposed utility facility in this application is generally described as an expansion of the Harry Allen 345/230kV Substation and the Harry Allen

500kV Substation into one consolidated substation that will connect the following new components to the existing components of each substation:

- two (2) 230kV circuit breakers;
- one (1) 525kV circuit breaker;
- one (1) 525/230kV 1,500 MVA transformer;
- extension of the existing fence lines of each substation such as to become one single substation, with appropriate security protections, gates and civil drainage features to accommodate stormwater flows;
- replacement of the existing 230kV bus with a new bus to handle the increased capacity; and
- protective relaying systems, circuits, primary and secondary telecommunication systems and related equipment necessary for the safe, reliable and cost-effective operation of these new and existing facilities.

The proposed utility facility will be constructed in unincorporated Clark County, approximately 23 miles northeast of Las Vegas, at and between the two existing Harry Allen substations. The new consolidated substation will enable Nevada Power to do the following:

- a. interconnect new renewable energy generation to the Nevada Power system for delivery to Nevada Power customers and for delivery to market;
- b. increase the amount of bulk energy Nevada Power brings into its 230 kV transmission system and through the Las Vegas Valley, which is necessitated by the planned retirement of 557 MW of coal-fired generating capacity at the Reid Gardner Generating Station;
- c. avoid the added costs that would be incurred if Nevada Power were to operate more generation located within the Las Vegas Valley out of economic dispatch order; and
- d. meet new requests for electric transmission service.

AND Pursuant to NAC 703.160(5)(c), the effect of the relief upon consumers:

If granted, Commission issuance of the UEPA permit to construct will indicate that Nevada Power may recover, in a future application for a change in its electric rates, all costs prudently and reasonably incurred in carrying out the UEPA permit to construct the proposed power substation facility.

- IV. A declaration by the applicant, petitioner, or complainant whether a consumer session is required by Nevada Revised Statute (“NRS”) 704.069 (1).<sup>1</sup>

A consumer session is not required for this Application.

- V. If the draft notice pertains to a tariff filing, please include the tariff number **and** the section number(s) or schedule number(s) being revised.

Not applicable.

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<sup>1</sup> **NRS 704.069 Commission required to conduct consumer session for certain rate cases; Commission required to conduct general consumer session annually in certain counties.**

1. The Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which:

(a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale or an application to clear its deferred accounts; and

(b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed \$50,000 or 10 percent of the applicant’s annual gross operating revenue, whichever is less.

2. In addition to the case-specific consumer sessions required by subsection 1, the Commission shall, during each calendar year, conduct at least one general consumer session in the county with the largest population in this state and at least one general consumer session in the county with the second largest population in this state. At each general consumer session, the Commission shall solicit comments from the public on issues concerning public utilities. Not later than 60 days after each general consumer session, the Commission shall submit the record from the general consumer session to the Legislative Commission.

**NEVADA POWER COMPANY**  
**d/b/a NV Energy**

**APPLICATION FOR A PERMIT TO  
CONSTRUCT THE  
HARRY ALLEN SUBSTATION EXPANSION  
PROJECT UNDER THE UTILITY  
ENVIRONMENTAL PROTECTION ACT**  
(Part 2)

Docket No. 14-09020



**NV ENERGY**  
P.O. Box 98910  
Las Vegas, NV 89151

**NEVADA POWER COMPANY**  
**D/B/A NV ENERGY**

**APPLICATION FOR A PERMIT TO CONSTRUCT A UTILITY FACILITY**  
**Pursuant to the Utility Environmental Protection Act (UEPA)**  
**NRS 704.870 to .900 and NAC 703.415 to .427**

Nevada Power Company d/b/a NV Energy (“Nevada Power”) files this application with the Public Utilities Commission of Nevada (“Commission”) for the construction of the Harry Allen Substation Expansion Project (the “Project”) pursuant to subsection 2 of NRS 704.870 for a permit to construct a utility facility where a federal agency has completed an environmental analysis of the proposed utility facility.

**1. A description of the location of the utility facility, as required by NRS 704.870(2)(b) and NAC 703.423(1):**

The Project will be constructed in Clark County, approximately 23 miles northeast of Las Vegas, at and between two existing Nevada Power substations, the Harry Allen 500kV Substation and the Harry Allen 345/230kV Substation.

**(a) A regional map identifying the location of the proposed utility facility:**

*See Exhibit A, Project Location.*

**(b) A legal description of the site of the proposed utility facility:**

Government Lots 3 and 4, the South Half of the Northeast Quarter (S ½ NE ¼) and the North Half of the Southeast Quarter (N ½ SE ¼) of Section 35, Township 17 South, Range 63 East, M.D.M., Clark County, NV

**(c) Appropriately scaled site plan drawings of the proposed utility facility:**

*See Exhibit B, Site Plan Drawing.*

**2. A description of the proposed utility facility, as required by NRS 704.870(2) and NAC 703.423(2):**

Nevada Power is proposing to construct the following utility facility within unincorporated Clark County, Nevada:

**(a) Size and nature of the proposed utility facility:**

An expansion of two existing Nevada Power substations (approx. 40 acres and 19 acres, respectively) into one consolidated substation approximately 100

acres in size, that will connect the following new components to the existing components of each substation:

- two (2) 230kV circuit breakers,
- one (1) 525kV circuit breakers,
- one (1) 525/230kV 1,500 MVA transformer,
- the extension of the existing fence lines of each substation such as to become one single substation, with appropriate security protections, gates and civil drainage features to accommodate stormwater flows,
- replacement of the existing 230kV bus with a new bus to handle the increased capacity, and
- all associated protective relaying systems, circuits, primary and secondary telecommunication systems and related equipment appurtenant to the safe, reliable and cost-effective operation of these new and existing facilities.

**(b) Natural resources used during the construction and operation of the proposed utility facility:**

Water, from approved facilities, would be used on the Project during construction for dust control and other construction uses. Water may be from local municipal sources or permitted groundwater wells. Soil displaced during excavations would be used during backfilling and recontouring. Cactus and yucca would be removed pre-construction, as necessary, and replanted within or adjacent to the right-of-way. All other vegetative material would be cleared during work area grubbing, grading and contouring during the cut and fill construction of the site. Rock and soil displaced during construction (e.g., blasting, blading, crushing, etc.) activities would be used on site for preparation and stabilization of the permanent site base, drainage features, etc. to the extent possible.

**(c) Layout diagrams of the proposed utility facility and a statement why the proposed location is best suited for the facility.**

*See Exhibit C*, Layout Diagram. The proposed location for the expansion area is situated between Nevada Power's two existing substations, which is best suited to expand and connect these two substations into one single substation.

**3. A copy and summary of any studies which have been made of the environmental impact of the proposed utility facility, as required by NRS 704.870(2) and NAC 703.423(3):**

The U.S. Bureau of Land Management ("BLM") issued a Categorical Exclusion for the Project on November 7, 2014, because the action of the proposed project is categorically excluded from further documentation under the National Environmental Policy Act. *See Exhibit D*, Categorical Exclusion. The BLM has determined that a

Categorical Exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment, and the proposed utility facility is wholly within the boundaries of a compatibly developed right-of-way (“ROW”) owned and operated by Nevada Power since 1988 under specific mitigation and reporting requirements. *See Exhibit E*, BLM ROW Grant N-12873.

The Categorical Exclusion issued by the BLM incorporates significant mitigation measures for the construction of the new facilities. *See Exhibit D – Categorical Exclusion*, pages 4-24 of 31. In addition, the Categorical Exclusion includes specific reporting requirements that will apply during the construction of the new facilities. *See Exhibit D – Categorical Exclusion*, pages 25-31 of 31.

**4. A description of any reasonable alternate locations for the proposed utility facility, description of the comparative merits or detriments of each location submitted, and a statement of the reasons why the location is the best suited for the proposed utility facility, as required by NRS 704.870(2) and NAC 703.423(4):**

No alternate locations for the proposed utility facility were considered because the proposed location for the expansion area is situated between Nevada Power’s two existing Harry Allen substations. That location is best suited for the proposed utility facility because it is already a central hub of Nevada Power’s transmission system, with extensive existing overhead transmission infrastructure and in proximity to significant existing power generation facilities and to planned new solar generating . Use of this location enables Nevada Power to expand and connect these two substations into one single substation, while minimizing the amount of undisturbed land that will be required for installation of the new facilities.

**5. Copy of the public notice of the application and proof of the publication of the public notice, as required by NRS 704.870(4) and NAC 703.423(5):**

*See Exhibit F*, Public Notice and Affidavits of Publication.

**6. Proof that a copy of the application has been submitted to the Nevada State Clearinghouse within the Department of Administration to enable agency review and comment, as required by NAC 703.423(6):**

A copy of this amended application is being served on the Nevada State Clearinghouse. *See Exhibit G*, Certificate of Service. A copy will also be served on Clark County.

**7. An explanation of the nature of the probable effect on the environment, as required by NAC 703.423(7), including:**

**(a) The environmental characteristics of the project area existing at the time the application is filed with the Commission:**

The proposed project is wholly within the boundaries of other compatibly developed rights-of-way. A portion of the project area has been previously disturbed and is already developed and in operation as two separate substations owned and operated by Nevada Power, the Harry Allen 345/230kV Substation and the Harry Allen 500kV Substation). The remaining area of the expansion project is undisturbed, vacant land composed of typical Mojave Desert communities of plants and wildlife with a natural slope trending downwards to the northeast towards the adjacent dry lake bed. The expansion area is surrounded by other existing electrical infrastructure including Nevada Power's Harry Allen Generation Station and multiple overhead high voltage transmission lines. In addition, the project area is surrounded by three proposed utility-scale solar projects currently undergoing federal permitting processes. Should these solar projects be authorized, they are planned to connect to the electrical grid at this newly expanded substation.

**(b) The environmental impacts that the construction and operation of the proposed utility facility will have on the project area before mitigation:**

The proposed project is wholly within the boundaries of other compatibly developed rights-of-way held by Nevada Power.

There would permanent impacts to soils within the project area from the construction of the project. The project footprint would be permanently disturbed and developed.

There would be impacts to air quality from an increase in dust and vehicle emission levels during construction activities. There would also be impacts to air quality associated with routine operation and maintenance activities from vehicles and equipment.

There would be permanent impacts to vegetation as a result of construction, operation and maintenance activities. Permanent vegetation loss would occur within the project area as a result of the substation expansion. There is potential that construction activities could lead to the spread of noxious and non-native invasive weed species.

There would be long-term permanent disturbance of land for the construction, operation and maintenance of the project that would result in impacts to many species of wildlife (e.g., reptiles, small and predatory mammals, migratory and upland game birds) and their habitats. Such species could be displaced temporarily during construction activities, and some individuals could be injured or killed during construction and operation and maintenance activities. The desert tortoise, a federally threatened species, is known to occur within the project area. There is potential for tortoises to wander into the project area during construction where they could be injured, harassed or killed.

There would be temporary noise impacts from active construction activities resulting from the operation of construction vehicles and equipment.

There could potentially be impacts from the storage, use and disposal of hazardous materials and solid waste during the course of construction.

**(c) The environmental impacts that the construction and operation of the proposed utility facility will have on the project area after mitigation:**

The proposed project is wholly within the boundaries of other compatibly developed rights-of-way. Implementation of the special and standard stipulations included in the amended BLM ROW grant during the construction, operation and maintenance of the project would result in minimal impacts to resources. In addition, environmental monitors would be utilized throughout the project area over the entire course of construction to ensure that mitigation measures are employed appropriately to further enforce the implementation of all compliance measures.

Soils would be permanently impacted through the course of the permanent construction of the project. Civil improvements will be designed and constructed to prevent erosion and maintain the existing drainage flow across the site.

Impacts to air quality resulting from dust during temporary construction activities would be reduced to temporary, minor impacts by the application of active and passive measures. Such measures would include the application of water or other approved dust suppressant, strict limits on speed control on unpaved roads, all vehicles and equipment would be well-maintained. There would also be minor impacts to air quality associated with routine operation and maintenance activities from vehicles and equipment. All such dust and emission levels resulting from construction, operation and maintenance activities would meet state and federal standards and permit requirements.

There would be permanent impacts to vegetation as a result of construction, operation and maintenance activities. Cactus and yucca plants would be salvaged from the site and transplanted within or adjacent to the right-of-way before construction commences. The remaining, non-sensitive, vegetation would be permanently lost during construction grubbing and grading activities. To eliminate and reduce the potential for the spread of noxious weeds, mitigation measures would be implemented such as pre-construction surveys, BLM-approved chemical treatment as applicable, washing of all vehicles and equipment entering/existing project areas, all-employee training on weed management, and use of weed-free organic materials used for site stabilization and other activities during construction.

Impacts to common wildlife species would be negligible to moderate since most species that may be present in the vicinity of the project are mobile and would be temporarily displaced by construction activities and suitable habitat for wildlife species that may be present is common and widespread surrounding the project area. Additional mitigation measures would be implemented to avoid critical behavioral periods (i.e., nesting, mating, wintering) to further reduce impacts to wildlife species, including migratory birds. Pre-construction surveys by qualified biologists would be conducted to find and relocate desert tortoises out of harm's way, collapse burrows as necessary, and ensure tortoises are protected from harm from construction activities.

Impacts from noise resulting from the operation of construction vehicles and equipment would be temporary and minor. The project area is in an industrial area surrounded by existing utility infrastructure and open vacant land. Mitigation measures would include deploying construction equipment only during normal working hours up to six days a week, and all activities of construction, operation and maintenance would adhere to local, state and federal regulations pertaining to noise control.

Potential impacts from the storage, use and disposal of hazardous materials and solid waste during the course of construction would be negligible with such mitigation measures as: refueling would only occur in pre-designated areas, all equipment would contain spill kits, all spills would be cleaned up immediately according to proper protocols and reported as applicable, waste materials would be disposed of through approved methods, materials would be stored in controlled areas, and all activities would be conducted in compliance with applicable local, state and federal laws.

- (d) an environmental statement that includes the name, qualifications, professions and contact information of each person with primary responsibility for preparation of the environmental statement and a bibliography of materials used:**

Paul B. Aguirre  
Senior Environmental Scientist  
NV Energy  
P.O. Box 98910, MS 30  
Las Vegas, NV 89151-0001  
Telephone: 702-402-2647  
E-mail: paguirre@nvenergy.com

Public Utilities Commission of Nevada. 2001. Utility Environmental Protection Act Permit to Construct for the Harry Allen 500kV Switchyard, in Docket No. 01-5010. *See Exhibit H*, UEPA Permit to Construct.

U.S. Bureau of Land Management. 2014. Categorical Exclusion for the Harry Allen Substation Expansion Project. *See Exhibit D.*

U.S. Bureau of Land Management. 1988. BLM ROW Grant N-12873. *See Exhibit E.*

**8. An explanation of the extent to which the proposed utility facility is needed to ensure reliable utility service to customers in this State, as required by NAC 703.423(8):**

The proposed facility is required in order to address the must-run power dispatch requirement due to power transfer capability limitations from the 500kV transmission system into the 230kV transmission system. These existing dispatch and capacity limitations will be compounded by the retirement of Nevada Power's Reid Gardner generating units, which is compelled by Nevada law.

**(a) If the proposed utility facility was approved in a resource plan or an amendment to a resource plan, a reference to the previous approval by the Commission:**

The proposed utility facility was approved by the Commission as part of the first and second amendments to Nevada Power's 2013-2032 Integrated Resource Plan in Docket Nos. 14-05003 and 14-06002. *See Order in these consolidated dockets dated October 28, 2014 at pages 82-89.*

**9. Explanation of how the need for the proposed utility facility as described balances any adverse effects on the environment, as required by NAC 704.423(9):**

The proposed facility makes use of existing utility infrastructure presently in place at the Harry Allen 500kV and 230/345kV substations. If the proposed facility is not constructed in its proposed location, immediately between two existing electric power substations, additional 500kV and 230kV facilities will need to be constructed in addition to the existing facilities.

**10. Explanation of how the proposed utility facility represents the minimum adverse effect on the environment, including the state of available technology; and the nature and economics of various alternatives, as required by NAC 703.423(10):**

The proposed location and design of this project represents the minimum adverse effect on the environment due to its proximity to, and planned consolidation of, Nevada Power's two existing Harry Allen substations. The new facilities will be constructed in part on already-disturbed land on which the two existing substations are located and in part on undisturbed land between the two existing substations, thereby minimizing the total amount of undisturbed land that will be utilized for the

project. Construction of the new facilities in an alternative location would increase the amount of undisturbed land required for the project.

**11. Explanation of how the location of the proposed utility facility conforms to applicable state and local laws and regulations, including a list of all permits, licenses and approvals required by federal, state and local statutes, regulations and ordinances, as required by NAC 703.423(11):**

The location, construction, operation and maintenance of the project shall conform to all applicable local, state and federal laws and regulations. The following table includes the approvals anticipated to be necessary for the construction of the proposed project facilities.

Action Requiring a Permit, Review or Approval	Permit/ Approval	Accepting Authority/Approving Agency	Statutory Reference
<b>FEDERAL</b>			
Request to Amend Existing Federal Right-of-Way Grant	Amended Right-of-Way Grant	BLM	FLPMA 1976 (PL 94-579) USC 1761-1771 and 43 CFR 2800
National Environmental Policy Act Compliance to Process Right-of-Way Applications	Categorical Exclusion *	BLM	NEPA, 40 CFR Part 1500-et.seq.
Processing of Right-of-Way Applications by BLM	Append to Existing Programmatic Biological Opinion/Endangered Species Act Section 7	U.S. Fish and Wildlife Service	Endangered Species Act Section 7 Consultation 50 CFR Part 17 16 USC 1536
<b>STATE OF NEVADA</b>			
Construction of Utility Facilities	Permit to Construct/ Utility Environmental Protection Act	Public Utilities Commission of Nevada	NRS 704.820-704.900 NAC 704.9063, 704.9359 – 704.9361
<b>LOCAL/COUNTY</b>			
Construction and Operation in Clark County	Special Use Permit	Clark County Board of Commissioners	Clark County Zoning Ordinance
Construction/Fugitive Dust – PM <sub>10</sub> in Clark County	Clark County Dust Control Permit	Clark County Department of Air Quality Management	Clean Air Act of 1977 and Amendments NRS 321.001, 40 CFR Subpart C, 42 USC 7408, 42 USC 7409.

\* See Exhibit D.

**12. Explanation of how the proposed utility facility will serve the public interest, as required by NAC 703.423(12):**

Nevada Power has a need to provide safe, reliable and cost-effective electric transmission service, to provide safe, reliable and cost-effective electric service to its retail service customers, and to maintain its transmission system in compliance with federally mandated safety and reliability standards. It is also required to construct interconnection and network transmission facilities sufficient to meet the requests of generators to interconnect to the Nevada Power transmission system and to provide requested transmission service in compliance with federal law and requirements imposed by the Federal Energy Regulatory Commission. The Harry Allen Substation Expansion Project will enable Nevada Power to meet these requirements as follows:

- a. It will enable Nevada Power to interconnect new renewable energy generation to the Nevada Power system for delivery to Nevada Power customers and for delivery to market.
- b. It will enable Nevada Power to increase the amount of bulk energy it brings into its 230 kV transmission system and through the Las Vegas Valley, which is necessitated by the planned retirement of 557 MW of generating capacity at the Reid Gardner Generating Station.
- c. It will avoid the added costs that would be incurred if Nevada Power were to re-dispatch its system to operate more in-Valley generation out of economic dispatch order.
- d. It will enable Nevada Power to meet new requests for transmission service.

**UEPA APPLICATION FOR A PERMIT TO CONSTRUCT THE  
HARRY ALLEN SUBSTATION EXPANSION PROJECT**

**LIST OF EXHIBITS**

<b><u>Exhibit A</u></b>	<b>Project Location</b>
<b><u>Exhibit B</u></b>	<b>Site Plan Drawing</b>
<b><u>Exhibit C</u></b>	<b>Layout Diagram</b>
<b><u>Exhibit D</u></b>	<b>Categorical Exclusion</b>
<b><u>Exhibit E</u></b>	<b>BLM ROW Grant N-12873</b>
<b><u>Exhibit F</u></b>	<b>Public Notice and Affidavits of Publication</b>
<b><u>Exhibit G</u></b>	<b>Certificate of Service</b>
<b><u>Exhibit H</u></b>	<b>UEPA Permit to Construct (issued for the original 500kV substation – 2001)</b>

## **EXHIBIT A**

# EXHIBIT A - PROJECT LOCATION



Harry Allen Substation Expansion Project

Google earth



## **EXHIBIT B**



## **EXHIBIT C**



## **EXHIBIT D**

## NV Energy Harry Allen Switchyard Expansion Project

### A. Background

DOI-BLM-NV-S010-2014-0148-CX

NV Energy is a private corporation with a Certificate of Public Convenience and Necessity issued by the Public Utilities Commission of Nevada to provide electric service in the certificated area of Clark County and a portion of Nye County. The company currently occupies and manages 1,100+ BLM rights-of-way in the States of Nevada, Utah, and Arizona.

#### **BLM Office:**

Bureau of Land Management  
Las Vegas Field Office  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
LLNVS01000

#### **Lease/Serial/Case File No.:**

N-74510

#### **Proposed Action Title/Type:**

Right-of-Way (ROW) for the installation of electrical facilities, switchyard expansion, fencing and drainage. This expansion will serve to provide reduced costs and enhanced reliability to NV Energy customers while also meeting customer requests for transmission service and new generation interconnections to serve load obligations.

#### **Location of Proposed Action:**

M.D.M. T. 17 S., R. 63 E., sec. 35 S½NE¼, N½SE¼.

**Description of Proposed Action:** This application is to amend existing BLM grant N-74510. This grant amendment is for the installation of a new 525/230kV transformer and associated facilities, fencing and stormwater drainage for the expansion of the existing Harry Allen 500kV and Harry Allen 230kV switchyards. The area needed for the expansion consists of: 19 acres of undisturbed ground and 11 acres of previous disturbed for a total of 30.00 Acres.

This is a CX per 516 DM 11.9 E. Realty (12) "Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way." This project is within other developed ROW's.

## **B. Land Use Plan Conformance**

### **Land Use Plan Name:**

Las Vegas Resource Management Plan and final Environmental Impact Statement (RMP), and the record of decision for the approved Las Vegas Resource Management Plan and Final Environmental Impact Statement.

### **Date Approved/Amended:**

RMP dated October 5, 1998

**The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions) :**

ROW Management. Objective: ROW-1. "Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings, communications, flood control, major utility transmission lines, and related facilities."

Management Direction. Objective:RW-1-h. "All public land within the planning area, excepted as stated in RW1-c through 1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy and Management Act."

## **C. Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9, E/ (12): "Grants of right-of-way wholly within the boundaries of the other compatibly developed rights-of-ways."

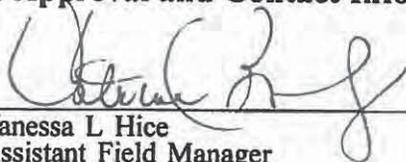
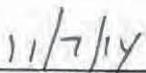
Casefile N-12873, NV Energy's Harry Allen Substation authorization, is located within the compatible area of this ROW for the Harry Allen Switchyard Expansion Project.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Comments providing substantive new information relevant to the analysis and mitigation measures have been incorporated into the Exhibit A Stipulations which are attached to this document.

I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

**D. Approval and Contact Information**

*for*  \_\_\_\_\_   
Vanessa L. Hice  
Assistant Field Manager  
Division of Lands  
Date

**Contact Person**

Joseph Varner

Las Vegas Field Office  
4701 N. Torrey Pines Drive  
Las Vegas, Nevada 89130  
Phone: 702-515-5000

Exhibit A  
Stipulations N-74510

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1.0 **Special Stipulations**

- 1.1. Should a tortoise be killed, injured, handled, or penned, you will need to have an Authorized Desert Tortoise Biologist complete Appendix E (see attached Terms and Conditions for Biological Opinion). Please forward Appendix E to the BLM, Attn: Wildlife Biologist, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130. Failure to abide by the terms and conditions of the grant and Biological Opinion, could result in temporary suspension of all activities within your right-of-way (ROW) area per 43 CFR 2807.16 and 43 CFR 2807.17.
- 1.2. Holder must complete and return Appendix F (see attached Terms and Conditions for Biological Opinion). Please forward Appendix F, along with the payment required, to the BLM State Office, Attn: Information Access Center, 1340 Financial Blvd. Reno, Nevada 89502. Please be aware, you may not conduct any activities, nor begin construction on public land until you have paid the tortoise mitigation fees. Failure to abide by the terms and conditions of the grant and Biological Opinion, could result in temporary suspension of all activities within your ROW area per 43 CFR 2807.16 and 43 CFR 2807.17.
- 1.3. The Holder must complete and return Appendix G (see attached Terms and Conditions for Biological Opinion) herein annually and/or upon completion of construction of the project. Please forward Appendix G to the BLM, Attn: Wildlife Biologist, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130. Failure to abide by the terms and conditions of the grant and Biological Opinion, could result in temporary suspension of all activities within your ROW area per 43 CFR 2807.16 and 43 CFR 2807.17.
- 1.4. District policy is that projects with ground-disturbance of over 5 acres and a moderate or higher risk of weed spread need a simple Weed Management Plan to mitigate the risks. The Weed Management Plan must identify current infestations, discuss preventative actions that will be taken, and weed treatment actions that will be taken in the event that weeds are introduced or spread as a result of project activities. Please be aware that you may not conduct any activities related to your ROW project on public land until the weed management plan has been approved by the District Weeds Management Specialist. Upon approval of the weed management plan, a notice to proceed letter will be issued.
- 1.5. To prevent undue harm, habitat-altering projects should be scheduled outside the bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs from February 15th through August 31st.
- 1.6. If a project that may alter any breeding habitat has to occur 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. If any active nests

(containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge. As the above dates are a general guideline, if active nests are observed outside this range they are to be avoided as described above.

- 1.7. Lighting should be kept to the minimum number allowable, minimum intensity, and should be down-shielded to keep light within the boundaries of the site.
- 1.8. To ensure successful salvage and transplant, all cactus and yucca must be salvaged using a contractor (or other approved by the BLM botanist) with at least three years' experience salvaging and maintaining plant materials in the Mojave or Sonoran Deserts.
- 1.9. This project will require an authorized desert tortoise biologist to present a tortoise education program to workers, conduct desert tortoise clearance surveys and is required to be on site during the desert tortoise active season (March 1 to October 31) and on call during the inactive season (November 1 to February 28/29) for construction activities associated with fence construction or for activities that occur outside of the perimeter fence alignment.
- 1.10. Desert tortoise monitor is required to be on site during perimeter fence construction during the inactive season (November 1 to February 28/29). Required to be on site during maintenance activities using heavy equipment outside of the fence during the desert tortoise active season (March 1 – October 31).
- 1.11. As proposed the ROW will be surrounded by a perimeter fence; this fence will require permanent tortoise-proof fencing along its base. Gates are required to be maintained to have minimal ground clearance and shall be inspected per term and condition l.m. and reported as described below.

## 2.0 General Stipulations

- 2.1. The ROW is issued subject to all valid existing rights.
- 2.2. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
- 2.3. The ROW shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.
- 2.4. Holder shall mark the exterior boundaries of the ROW with stake and/or lath at 100 to 200 foot intervals. 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. Holder shall

maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.

- 2.5. Holder shall conduct all activities associated with construction, operation, maintenance and termination of this ROW within its authorized limits.
- 2.6. Holder shall maintain the ROW in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.
- 2.7. Holder shall maintain copy of the authorization along with stipulations on construction site at all times. In the event that the public land underlying the 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 ROW, 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 ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances.
- 2.8. 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.
- 2.9. 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 ROW:

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 (702) 515-5000.

### 3.0 Fuels/Fire Management

- 3.1. Fire restrictions are generally enacted May through October. Compliance with fire restrictions is mandatory while fire restrictions are in place. Specific non-compliant activities may be permitted in writing on a case by case basis by a line officer after review and approval by the Fire Management Officer (43 CFR 9212).
- 3.2. In the event of an unplanned ignition that causes a wildfire the proponent will be held responsible for all costs of suppression and damaged resources pending a fire Origin and Cause Investigation. An Origin and Cause Investigation will be done on any human caused fire by BLM Law Enforcement or their designated representative. Conditions that support wildland fire spread can occur any time of the year in Southern Nevada. In general and when fire restrictions are not in effect, utilize standard fire prevention measures and best management practices to prevent fires.
- 3.3. Due diligence is required for maintaining a wildfire defensive space of low to zero vegetation and fuels where appropriate to protect infrastructure from wildfire.

### 4.0 Visual Resources

- 4.1. The proposed action is in VRM Class IV, which allows for high levels of change to the existing landscape. Change may dominate the view of the casual observer. Since the proposed action is adjacent to existing developments, it is expected to dominate the view of the casual observer.
- 4.2. Please ensure that change repeats the basic elements of form, line, color, and texture found in the natural landscape to the extent practical. No Issues.

### 5.0 Air Quality

- 5.1. The Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder shall be responsible for dust abatement within the limits of the ROW and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the ROW.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and

maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

Prior to relinquishment, abandonment, or termination of this ROW, the Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

- 5.2. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

## 6.0 Greenhouse Gas Emissions

- 6.1. Currently there are no emission limits for suspected Greenhouse Gas (GHG) emissions, and no technically defensible methodology for predicting potential climate changes from GHG emissions. However, there are, and will continue to be, several efforts to address GHG emissions from federal activities, including BLM authorized uses.

## 7.0 Geology/Mineral Resources/Energy Production

- 7.1. No mining claims or mining operations present. If excavation that produces mineral materials within the ROW is necessary, the mineral materials must be used within the ROW or stockpiled on site for disposal by the BLM. If mineral materials are to be stockpiled on site for a future disposal, specific BLM use authorization in the form of a contract, free use permit or material site right-of-way will be necessary before the stockpiled mineral materials can removed from the ROW.

## 8.0 Soils

- 8.1. The proposed action will disturb approximately 19 acres of native soils. BMPs should be implemented to minimize impacts beyond the project area.

## 9.0 Hazardous Material/Pesticides/Liability

- 9.1. No hazardous material, 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, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the ROW area at any time by the Holder. 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.

- 9.2. The Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the ROW potentially affecting the ROW of which the Holder is aware.
- 9.3. As required by law, 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 ROW.
- 9.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer.

The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Pesticides shall not be permanently stored on public lands authorized for use under this ROW.

- 9.5. The Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the Holder's use or occupancy of the ROW, regardless of whether the Holder has actually developed or caused development to occur on the ROW, from the time of the issuance of this ROW to the Holder, and during the term of this ROW. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Holder, its agents, contractors, or third parties. If the liability is caused by third parties, the Holder will pursue legal remedies against such third parties as if the Holder were the fee owner of the ROW.

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the ROW regardless of whether the Holder has actually developed or caused development to occur on the ROW from the time of the issuance of this ROW to the Holder and during the term of this ROW.

- 9.6. No mining claims or mining operations present. If excavation that produces mineral materials within the ROW is necessary, the mineral materials must be used within the ROW or stockpiled on site for disposal by the BLM. If mineral materials are to be stockpiled on site for a future disposal, specific BLM use authorization in the form of a contract, free use permit or material site right-of-way will be necessary before the stockpiled mineral materials can be removed from the ROW.

## 10.0 Survey Monuments

- 10.1. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners.
- 10.2. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, the holder shall be responsible for the survey cost.

## 11.0 Water Resources/Quality

- 11.1. This project may alter surface run-off patterns, and may cause increased erosion, etc. However, project is located between previously disturbed parcels that already have altered surface-run-off conditions. Regardless, BMPs should be implemented to minimize impacts beyond the project area.

## 12.0 Vegetation/Noxious Weeds/Land surface Treatment/Soil/Water/Riparian

- 12.1. The proposed action will result in significant amounts of new ground disturbance which will increase the risk of introduction and/or spread of noxious weeds. Several noxious and invasive species are known to occur in the immediate vicinity of the project area including Sahara Mustard and African Malcomia.
- 12.2. District policy is that projects with ground-disturbance of over 5 acres and a moderate or higher risk of weed spread need a simple Weed Management Plan to mitigate the risks.

- 12.3. The Weed Management Plan must identify current infestations, discuss preventative actions that will be taken, and weed treatment actions that will be taken in the event that weeds are introduced or spread as a result of project activities. The plan must be approved by the District Weeds Management Specialist prior to construction.

### 13.0 Migratory Birds

- 13.1. The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703.) protects migratory birds and their nests (nests with eggs or young). The proponent must comply with the MBTA and avoid potential impacts to protected birds within the project area. A list of MBTA protected birds are found in 50 C.F.R. 10.13 (<http://www.gpo.gov/fdsys/pkg/CFR-2012-title50-vol1/xml/CFR-2012-title50-vol1-sec10-13.xml>).

- 13.2. Migratory birds, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*), may be present on or near the project site. Migratory birds may be displaced by habitat removal and/or noise disturbance during construction activities, but this should be small in scale due to the size of the action.

1) To prevent undue harm, habitat-altering projects should be scheduled outside the bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs from February 15th through August 31st.

2) If a project that may alter any breeding habitat has to occur 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. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge. As the above dates are a general guideline, if active nests are observed outside this range they are to be avoided as described above.

3) Lighting should be kept to the minimum number allowable, minimum intensity, and should be down-shielded to keep light within the boundaries of the site.

### 14.0 Fish and Wildlife

- 14.1. Wildlife species in the general area include small mammals, birds, and reptiles. Additionally, the BLM is directed to conserve special status species through BLM Manual 6840. The sensitive species western burrowing owl, LeConte's thrasher, loggerhead shrike, Mojave shovel-nosed snake, desert glossy snake, and Mojave Desert sidewinder may be present in the general area. The primary direct impact of the proposed action on wildlife would be mortality resulting from construction activities. Wildlife species in the general area are common and widely distributed throughout the area and the loss of some individuals and/or their habitat would have a negligible impact on populations of the species throughout the region. Impacts to

BLM Sensitive Species are not anticipated to lead to further decline of the species range wide as the total new disturbance for this project is relatively small.

**15.0 Woodland/Forestry**

- 15.1. Cactus and yucca may be present within the project impact area. Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. If unable to be avoided, all cactus and yucca within permanent and temporary impact areas must be salvaged. Please coordinate with the BLM botanist to transplant cactus and yucca to recipient site. Unless otherwise directed by the BLM botanist, all replanted cactus and yucca must be watered and otherwise maintained for a period of one year.
- 15.2. To ensure successful salvage and transplant, all cactus and yucca must be salvaged using a contractor (or other approved by the BLM botanist) with at least three years experience salvaging and maintaining plant materials in the Mojave or Sonoran Deserts.

**16.0 Threatened and Endangered Wildlife and Plant Species Stipulations**

- 16.1. The Holder will comply with the terms and conditions of the **Biological Opinion for this project** on file at the Bureau of Land Management, Las Vegas Field Office and included below:

**Case Number: N-74510**  
**NEPA Project #: DOI-BLM-NV-S010-2014-0148-CX**  
**Sec. 7 Log #: NV-052-14-220**

**TERMS AND CONDITIONS for ROWs: BO File No. 84320-2010-F-0365.R002**

In order to be exempt from the prohibitions of section 9 of the Act, the Bureau must comply with the following terms and conditions and minimization measures, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.