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representative of the signer(s) and  
NPC

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

Application of Nevada Power Company doing )  
business as NV Energy for a Permit to Construct the )  
Playa Solar 230kV Interconnection Facilities at the ) Docket No. 15-10 \_\_\_\_  
Harry Allen Substation Under the Utility )  
Environmental Protection Act /

**APPLICATION FOR A PERMIT TO CONSTRUCT THE PLAYA SOLAR 230KV  
INTERCONNECTION FACILITIES AT THE HARRY ALLEN SUBSTATION  
UNDER THE UTILITY ENVIRONMENTAL PROTECTION ACT**

**INTRODUCTION**

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, namely the Playa Solar 230kV Interconnection Facilities at the Harry Allen Substation (the “Project”), pursuant to the Utility Environmental Protection Act (“UEPA”) set forth in NRS 704.820 to 704.900 (the “Application”).

This Application is filed with the Commission pursuant to subsection 1 of NRS 704.870 for a permit to construct a utility facility, because there is no requirement for a federal agency to conduct an environmental analysis of the proposed utility facility. Nevada Power respectfully requests that the Commission approve this Application pursuant to NRS 704.8905(b).

The Project consists of interconnection facilities at Nevada Power’s Harry Allen Substation required for the Playa Solar Generation Project to Interconnect to Nevada Power’s transmission system, described in more detail in Section C below and in Part 2 of this Application. The Commission issued a compliance order in Docket No. 14-09001 on June 29, 2015 approving the UEPA application for the construction of the Playa Solar Generation Project.

Nevada Power Company  
and Sierra Pacific Power Company  
d/b/a NV Energy

**A. GENERAL ALLEGATIONS**

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

5 2. Nevada Power provides retail electric service to the public in portions of Clark  
6 and Nye Counties and is a “public utility” as that term is defined and used in NRS 704.741 to  
7 .751 (Resource Planning).

8 3. Nevada Power’s principal place of business, mailing address and telephone  
9 number are: 6226 West Sahara Avenue; P.O. Box 98910, Las Vegas, Nevada 89151; (702)  
10 402-5000.

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

14 15 16 17 18 19	20 21 22 23 24 25 26 27 28
Tim Clausen Senior Attorney <b>NV Energy</b> 6100 Neil Road Reno, NV 89511 Tel: (775) 834-5678 Fax: (775) 834-4811 E-Mail: tclausen@nvenergy.com	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: regulatory@nvenergy.com

**B. LEGAL AUTHORITY**

5. This application for a permit to construct the Project is filed in accordance  
with the Commission’s regulations governing pleadings (NAC 703.530 et seq.); the Utility  
Environmental Protection Act (“UEPA”) (NRS 704.820 to .900), specifically: NRS 704.870.1  
(requirements for filing); NRS 704.873 (Commission has exclusive jurisdiction to determine  
need for utility facilities); NRS 704.890 (Grant or denial of application: Required findings;  
conditions and modifications); and the Commission’s regulations governing construction of

1 utility facilities (NAC 703.415 to .427, specifically, NAC 703.423, requirements for filing  
2 after a federal agency has completed its environmental review of the project).

3 6. Nevada Power respectfully requests that the Commission accept this  
4 Application as complying with the statutory and regulatory requirements set forth above,  
5 grant this Application and, when Nevada Power files with the Commission all other  
6 government permits, licenses and approvals required for it to construct the Project, issue  
7 Nevada Power a Permit to Construct the Project pursuant to NRS 704.8905.

8 **C. THE NATURE OF AND NEED FOR THE PROJECT**

9 7. The Project will consist of

- 10 • Two 230kV circuit breakers;
- 11 • One 230kV A-frame structure; and
- 12 • Associated protective relaying systems, circuits, telecommunication  
13 systems and related equipment appurtenant to the safe, reliable and  
14 cost-effective operation of these new and existing facilities.

15 8. The new substation interconnection facilities will be installed entirely within  
16 the existing Harry Allen Substation footprint and fence line, which is located approximately  
17 23 miles northeast of Las Vegas, Nevada. The purpose of the substation interconnection  
18 facilities is to facilitate the interconnection of the Playa Solar 100MW solar generation plant  
19 into the Nevada Power system, pursuant to the Large Generator Interconnection Agreement  
20 and Power Purchase Agreement between Nevada Power and Playa Solar.

21 9. The Project is more fully described in Part 2 of this Application and its  
22 exhibits, which: (a) Describe the location and nature of the Project; (b) summarize studies  
23 made of the environmental impact of the construction of the Project; (c) describe the analysis  
24 performed of alternative locations for the Project and the benefits provided by locating the  
25 Project as proposed; (d) describe the environmental effects of the construction and operation  
26 of the Project, and (e) describe the measures that will be implemented to mitigate those  
27 impacts, as required by NRS 704.870.2(b) and NAC 703.423.

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1           10. Nevada Power has a need to provide safe, reliable and cost-effective electric  
2 transmission service, to provide safe, reliable and cost-effective electric service to its retail  
3 service customers, and to maintain its transmission system in compliance with federally  
4 mandated safety and reliability standards. It is also required to construct interconnection and  
5 network transmission facilities sufficient to meet the requests of generators to interconnect to  
6 the Nevada Power transmission system and to provide requested transmission service in  
7 compliance with federal law and requirements imposed by the Federal Energy Regulatory  
8 Commission. The construction of the interconnection facilities pursuant to this application  
9 will enable Nevada Power to meet these requirements as follows:

- 10           a. It will enable Nevada Power to interconnect 100MW of new renewable  
11 energy generation to the Nevada Power system for delivery to Nevada  
12 Power customers and for delivery to market, with planned expansion  
13 of the Playa Solar Generation Project to 200MW;
- 14           b. It will enable Nevada Power to continue to meet the Nevada  
15 Renewable Portfolio Standard (“RPS”), including the solar generation  
16 requirement of the RPS, as the RPS increases;
- 17           c. It will enable Nevada Power to increase the amount of bulk energy it  
18 brings into its 230 kV transmission system and through the Las Vegas  
19 Valley, which is necessitated by the actual and planned retirement of  
20 557 MW of generating capacity at the Reid Gardner Generating  
21 Station;
- 22           d. It will avoid the added costs that would be incurred if Nevada Power  
23 were to re-dispatch its system to operate more in-Valley generation out  
24 of economic dispatch order;
- 25           e. It will enable Nevada Power to meet new requests for transmission  
26 service as required by federal law; and
- 27           f. It will contribute to a reduction in greenhouse gas emissions.
- 28

1           11.    The construction of the 230kV interconnection facilities will not have  
2 additional environmental impacts, for the reasons described in Section 7 of Part 2 of the  
3 Application:

4                   **D.    NO OTHER FEDERAL, STATE OR LOCAL PERMITS OR**  
5                   **AUTHORIZATIONS ARE REQUIRED FOR THE PROJECT**

6           12.    The Project will be constructed on property administered by the U.S. Bureau  
7 of Land Management (“BLM”) on which Nevada Power already holds a right of way granted  
8 by the BLM.

9           13.    The BLM has conducted multiple environmental analyses of impacts, pursuant  
10 to the National Environmental Policy Act (“NEPA”), and authorized existing substation and  
11 transmission facilities at this location, including NV Energy’s Harry Allen Generating  
12 Station, the Harry Allen 500/345/230kV Substation, and numerous overhead 230kV, 345kV  
13 and 500kV transmission lines. The most recent authorization which covers the subject project  
14 is a Categorical Exclusion issued by BLM in November 2014 (*see Exhibit D*, BLM  
15 Categorical Exclusion) whereby BLM determined that the action is categorically excluded  
16 from NEPA because the substation authorization is sited wholly within Right of Way Grant  
17 N-74510 issued by BLM to Nevada Power for the entirety of the Harry Allen 500/345/230kV  
18 Substation. *See Exhibit G*.

19           14.    There is no federal environmental review required for the Project. The  
20 installation of these new 230kV interconnection facilities and associated equipment does not  
21 constitute any deviation from the authorized use or location of the existing substation.  
22 Therefore, no additional environmental studies or authorizations are required to be conducted  
23 by the BLM. There will be no natural resources impacted by this project and there are no  
24 biological or cultural resources present within this developed substation.

25           15.    As is explained in Section 10 of Part 2 of the Application, no new state or local  
26 permits or authorizations are required for the Project, because the construction will occur  
27 within the previously-developed boundaries of the Harry Allen Substation, no new use is  
28

1 proposed for the existing substation, no fencing or grading will be required, and the minimum  
2 threshold for requirement for a dust control permit will not be met by the Project.

3 **E. CONCLUSION**

4 16. Together with the description of the Project contained in Part 2 of this  
5 Application), **Exhibit A** (Project Location), **Exhibit B** (Playa Solar Interconnection Layout  
6 at Harry Allen Substation; **Exhibit C** (Playa Solar Interconnection Diagram at Harry Allen  
7 Substation), **Exhibit D** (BLM Categorical Exclusion), **Exhibit E** (Public Notice and  
8 Affidavits of Publication), **Exhibit F** (Certificate of Service), and **Exhibit G** (BLM Right-of-  
9 Way Grant N-74510/G), this Application contains all of the information required for the  
10 Commission to evaluate and grant the Application.

11 17. There are no other federal, state or local permits or authorizations required for  
12 Nevada Power to construct the new interconnection facilities within the Harry Allen  
13 Substation.

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

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

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

23 **F. PRAYER FOR RELIEF**

24 Nevada Power respectfully requests that the Commission proceed in the manner  
25 required by law and, in accordance with NAC 703.535(d), issue an order that:

- 26 1. Grants this application;
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2. Authorizes the issuance by the Commission Secretary of a Permit to Construct for the facilities described in Section C above pursuant to NRS 704.890;
3. Grants such deviations from the Commission's regulations as may be in the public interest; and
4. Grants such additional other relief as the Commission may deem appropriate and necessary.

Respectfully submitted this 29<sup>th</sup> day of October, 2015.

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

By: /s/Timothy Clausen /s/  
Timothy Clausen  
Senior Attorney  
6100 Neil Road  
Reno, Nevada 89511  
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# **APPLICATION**

## **PART 2**

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

**APPLICATION FOR A PERMIT TO CONSTRUCT  
THE PLAYA SOLAR 230kV INTERCONNECTION  
FACILITIES AT THE HARRY ALLEN  
SUBSTATION UNDER THE  
UTILITY ENVIRONMENTAL PROTECTION ACT  
(Part 2)**



**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 files this application with the Public Utilities Commission of Nevada (“Commission”) pursuant to subsection 1 of NRS 704.870 for a permit to construct a utility facility where no federal authorization is required for 230kV substation equipment to be installed inside an existing substation in order to accommodate the interconnection request from a new solar generation project.

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

The existing substation where the new 230kV interconnection facilities will be installed is located on federally owned land within the jurisdiction of unincorporated Clark County, Nevada approximately 23 miles northeast of Las Vegas.

**(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:**

The existing substation where the new 230kV interconnection facilities will be installed is located within the Southeast ¼ Section 35, Township 17 South, Range 63 East, Mount Diablo baseline and meridian, Clark County, Nevada.

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

*See Exhibit B, Playa Solar Interconnection Layout at Harry Allen.*

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

NV Energy is proposing to construct the following utility facility within a portion of unincorporated Clark County, Nevada:

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

NV Energy will be installing two (2) 230kV circuit breakers, one (1) 230kV A-frame structure, and associated protective relaying systems, circuits, telecommunication systems and related equipment appurtenant to the safe, reliable

and cost-effective operation of these new and existing facilities all within the existing, developed substation footprint.

**(b) Natural resources used during the construction and operation of the proposed utility facility, and a summary of any studies which have been made of the environmental impact of the facility:**

The site is already completely disturbed and developed and is operated at 525/345/230kV voltages. No natural resources will be used or otherwise impacted during the construction and operation of the new facilities.

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

See **Exhibit C**, Playa Solar Interconnection Diagram at Harry Allen Substation. The proposed location is best suited because it is inside the existing substation currently operating at 525/345/230kV and is the location for interconnection of this customer to NV Energy's transmission system.

**3. A copy and summary of any studies which have been made of the environmental impact of the proposed utility facility, as required by NAC 703.423(3) and NRS 704.870(1):**

The U.S. Bureau of Land Management ("BLM") has conducted multiple environmental analyses of impacts, pursuant to the National Environmental Policy Act ("NEPA"), and authorized existing facilities at this location including NV Energy's Harry Allen Generating Station, Harry Allen 500/345/230kV Substation and numerous overhead 230kV, 345kV and 500kV transmission lines. The most recent authorization which covers the subject project is a Categorical Exclusion issued by BLM in November 2014 (*see Exhibit D, BLM Categorical Exclusion*) whereby BLM determined that the action is categorically excluded from NEPA because the substation authorization is sited wholly within another authorized right-of-way issued by BLM to NV Energy (*see also* Docket 14-09020 for NV Energy's Harry Allen Substation Expansion Project filing).

There are currently no natural resources present within the project area (i.e., the substation yard). The new 230kV substation interconnection facilities will be installed on developed land within the existing Harry Allen Substation footprint. The proposed interconnection facilities would not create any additional impacts to the view shed above what is already in place and operating today. There are no biological or cultural resources present within the substation as the ground has already been developed for the existing facilities as authorized by the BLM.

There is no federal process involved with this project other than notification to BLM that NV Energy will be installing two new 230kV circuit breakers, one new 230kV A-frame and associated interconnection facilities. The installation of these new 230kV interconnection facilities and associated equipment does not constitute a deviation from the

authorized use or location of the existing substation. Therefore, no additional environmental studies or authorizations are required to be conducted by the BLM. There will be no natural resources impacted by this project and there are no biological or cultural resources present within this developed substation.

4. **A description of any reasonable alternate locations for the proposed utility facility, a description of the comparative merits or detriments of each location submitted, and a statement of the reasons why the location is best suited for the proposed utility facility, as required by subsection 1 of NRS 704.870. (NAC 703.423(4))**

The location selected is best suited for the Proposed Facility because of the location of the Harry Allen Substation. The Harry Allen Substation is the point of interconnection for the Nevada Power transmission grid that is closest to the Playa Solar Project. Selection of a different substation for the Playa Solar Project to interconnect to the Nevada Power transmission grid would require a longer generation tie line and the installation of similar interconnection 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 E, Public Notice and Affidavit 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 initial application is being served on the Nevada State Clearinghouse (*See Exhibit F, Certificate of Service*).

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

- (a) **Environmental characteristics of the project area and impacts from construction and operation:**

The project site is within an existing authorized substation completely developed for such operation as authorized by the BLM (*see Exhibits D and G, BLM Right-of-Way Grant N-74510/G*). Right of Way Grant N-74510/G is for the entirety of the Harry Allen 500/230kV Substation. All construction will occur within the developed footprint of land within the existing Harry Allen Substation. No hazardous materials would be used during construction; therefore no hazardous waste would be produced. Noise generated by construction will be temporary and of short duration during construction only and no greater than any other construction project occurring simultaneously in the vicinity. No additional visual impacts would occur since the Harry Allen Substation is an existing substation already in operation. The proposed facility would not be a new use of this existing

substation as it would be consistent with the use for which the substation has been authorized by BLM.

There will be no significant effects on the quality of the human environment from the construction of these 230kV interconnection facilities. The installation, operation and maintenance of this new equipment will serve to interconnect a new solar generation project, at the request of the generation project developer.

- (b) 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, Environmental Scientist  
NV Energy  
P.O. Box 98910, MS 30  
Las Vegas, NV 89151-0001  
702-402-2647 [paguirre@nvenergy.com](mailto:paguirre@nvenergy.com)

Michelle E. Carlson, Environmental Scientist  
NV Energy  
P.O. Box 98910, MS 30  
Las Vegas, NV 89151-0001  
702-402-2933 [mcarlson@nvenergy.com](mailto:mcarlson@nvenergy.com)

U.S. Bureau of Land Management. 2014. Categorical Exclusion (*see Exhibit D*).

U.S. Bureau of Land Management. 2015. Right-of-Way Grant N-74510/G (*see Exhibit G*).

- 8. If the proposed facility was not approved in a resource plan or an amendment to a resource plan, an explanation of the extent to which the proposed utility facility is needed to ensure reliable utility service to customers in this State, enhance the reliability of utility service in this State; and achieve interstate benefits by the proposed construction or modification of transmission facilities in this State, as required by NAC 703.423(8):**

This utility facility is being proposed as a result of a large generator interconnection request by a customer, to NV Energy as a transmission provider. The proposed utility facility will serve to interconnect a new solar generation project.

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 construction of the Play Solar 230kV interconnection facilities pursuant to this application will enable Nevada Power to meet these requirements as follows:

- a. It will enable Nevada Power to interconnect 100MW of new renewable energy generation to the Nevada Power system for delivery to Nevada Power customers and for delivery to market, with planned expansion of the Play Solar Generation Project to 200MW;
- b. It will enable Nevada Power to continue to meet the Nevada Renewable Portfolio Standard, including the solar generation requirement of the Standard, as the Standard increases;
- c. 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 actual and planned retirement of 557 MW of generating capacity at the Reid Gardner Generating Station;
- d. 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;
- e. It will enable Nevada Power to meet new requests for transmission service as required by federal law; and
- f. It will contribute to a reduction in greenhouse gas emissions.

**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):**

There will be no adverse impact to the environment from the installation, operation and maintenance of the proposed Playa Solar 230kV interconnection facilities at the existing Harry Allen Substation. No natural resources will be impacted or utilized for the new facilities. The proposed facilities will serve to interconnect a new solar generation project at customer request.

**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 utility facility is within an existing substation in close proximity to the new solar generation project. There are no economically feasible alternatives for the proposed utility facility other than this existing substation.

**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):**

Reflected in the following table, the only approval required for the construction of the proposed utility facility is the UEPA Permit to Construct to be issued by the Commission.

No new federal authorization is required because the existing substation is already authorized for such use.

No state Stormwater Permit is required because the project location is within a closed basin with no outlet to a water of the State or the United States.

No new local Special Use Permit is required because no new use is proposed over the existing substation use already authorized by the local authority.

No new local Building or Fence Permits are required because there are no new buildings or fencing as part of the new 230kV interconnection facilities to be installed within this existing substation.

No local Dust Control Permit is required because the footprint of the new interconnection facilities is not anticipated to meet the threshold requirement for such permit.

Action Requiring a Permit, Review or Approval	Permit/ Approval	Accepting Authority/Approving Agency	Statutory Reference
<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 703.415-703.427

**12. Explanation of how the proposed utility facility will serve the public interest, as required by NAC 703.423(11):**

NV Energy has a need to provide safe, reliable and cost-effective electric transmission service to serve transmission customer requests and comply with transmission use agreements. The proposed utility facility is to connect a new solar generation project at customer request.

**UEPA APPLICATION  
FOR A PERMIT TO CONSTRUCT THE  
PLAYA SOLAR 230 kV INTERCONNECTION AT HARRY ALLEN SUBSTATION**

**LIST OF EXHIBITS**

<u>Exhibit A</u>	Project Location
<u>Exhibit B</u>	Playa Solar Interconnection Layout at Harry Allen Substation
<u>Exhibit C</u>	Playa Solar Interconnection Diagram at Harry Allen Substation
<u>Exhibit D</u>	BLM Categorical Exclusion
<u>Exhibit E</u>	Public Notice and Affidavit of Publication
<u>Exhibit F</u>	Certificate of Service
<u>Exhibit G</u>	BLM Right-of-Way Grant N-74510/G

**DRAFT PUBLIC NOTICE**

### **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 Playa Solar 230kV Interconnection Facilities 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, Nevada Power is required to file with the Public Utilities Commission of Nevada (“Commission”) an application for a permit to construct electric transmission lines and substation facilities that are designed to operate at 200 kilovolts (“kV”) or more.

The proposed utility facilities in this application are generally described as 230 kV substation interconnection facilities that will be constructed within the Harry Allen Substation. The facilities to be constructed include the following:

- Two 230kV circuit breakers;
- One 230kV A-frame structure; and

- Associated protective relaying systems, circuits, telecommunication systems and related equipment appurtenant to the safe, reliable and cost-effective operation of these new and existing facilities.

The proposed facilities will be constructed in the Harry Allen Substation, which is located in unincorporated Clark County, approximately 23 miles northeast of Las Vegas. The interconnection facilities are being constructed in order to facilitate the interconnection of the Playa Solar 100MW solar generation plant into the Nevada Power electric transmission system, The interconnection facilities will enable Nevada Power to do the following:

- interconnect new renewable energy generation to the Nevada Power system for delivery to Nevada Power customers and for delivery to market;
- continue to meet the Nevada Renewable Portfolio Standard, including the solar generation requirement of the Standard, as the Standard increases;
- increase the amount of bulk energy Nevada Power brings into its electric transmission system and through the Las Vegas Valley;
- 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 in order to maintain the reliability of its electric system;
- meet new requests for interconnection and transmission service as it is required to do so by federal law; and
- reduce greenhouse gas emissions from the generation of electricity.

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 substation interconnection facilities.

- 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.

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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.

- 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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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.

**EXHIBIT A**  
**PROJECT LOCATION**

# EXHIBIT A - PROJECT LOCATION



Google earth

miles  
km



**EXHIBIT B**

**PLAYA SOLAR  
INTERCONNECTION LAYOUT  
AT HARRY ALLEN SUBSTATION**

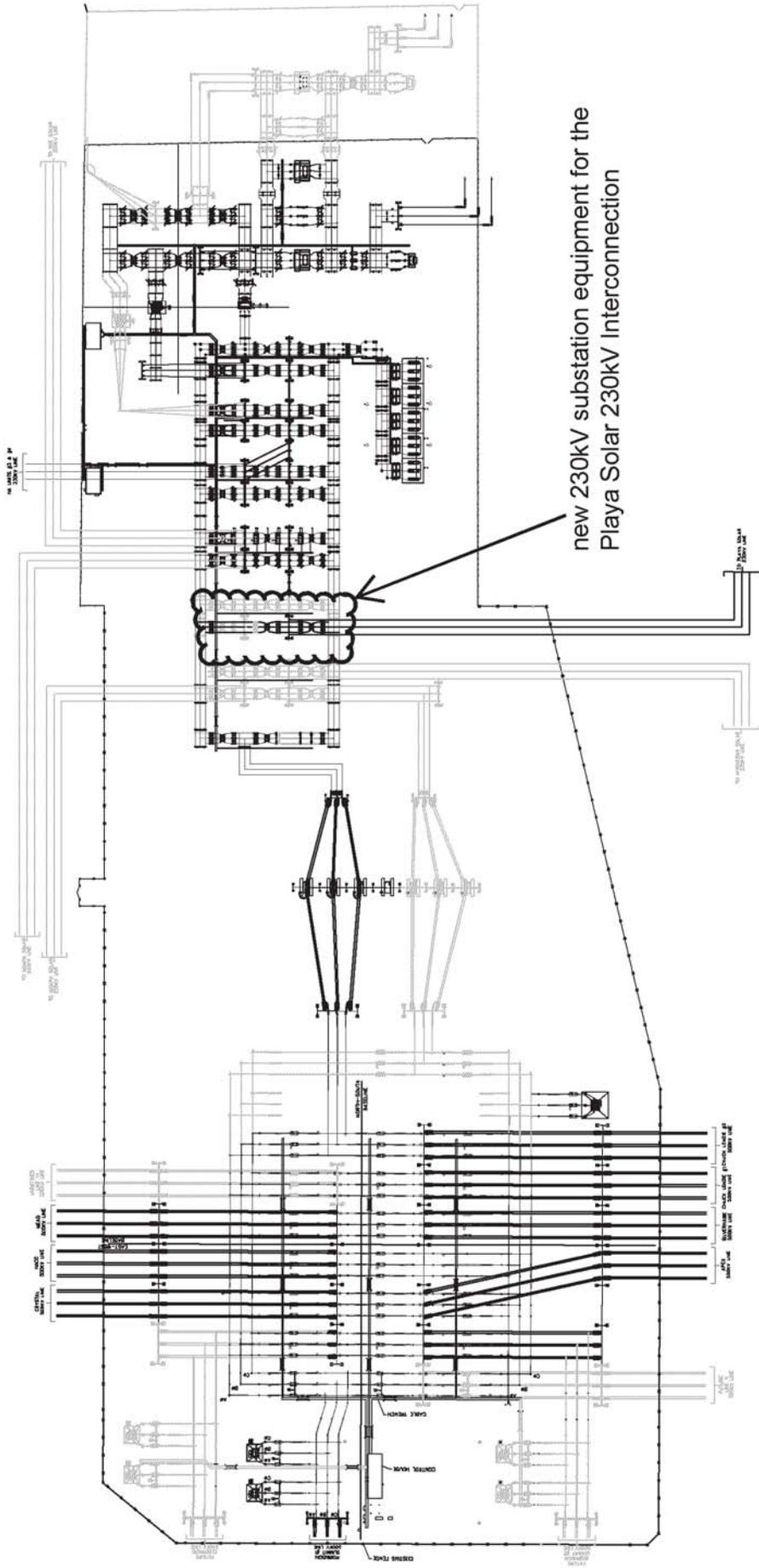
EXHIBIT B - PLAYA SOLAR INTERCONNECTION LAYOUT AT HARRY ALLEN SUBSTATION



**EXHIBIT C**

**PLAYA SOLAR  
INTERCONNECTION DIAGRAM  
AT HARRY ALLEN SUBSTATION**

EXHIBIT C - PLAYA SOLAR INTERCONNECTION DIAGRAM AT HARRY ALLEN SUBSTATION



new 230kV substation equipment for the  
Playa Solar 230kV Interconnection

NO.	W.O.	REV.	DATE	BY	DATE	APP'D	DATE	ENG. RECORD	NO.	NO.	SCALE
1									107.353	107.353	1"=80'-0"
<p>                   6278 WEST SAMARA AVE.                  LAS VEGAS, NEVADA                  HARRY ALLEN 500KV SUBSTATION                  GENERAL ARRANGEMENT PLAN                  ULTIMATE SITE LAYOUT             </p>											
<p>                 DRAWN: 08/15                  CHECKED: 08/15                  APP'D:                  PHASING:             </p>											
<p>                 DMC NO. 431.24/095 E13-1                  SHEET NO. 1 OF 1                  SCALE: 1"=80'-0"             </p>											

**EXHIBIT D**

**BLM CATEGORICAL EXCLUSION**

## **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 S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

**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."

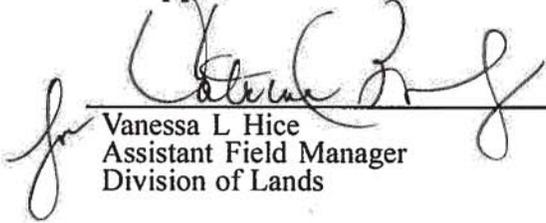
Casefile N-12873, NV Energy's Harry Allen Substation authorization, is located within the compatible area of this ROW for the Harry Allen Switchyard Expansion Project.

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

11/7/14  
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 be 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 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 alter 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.

**RPM 1:** **Applies towards lands and realty, ROWs, and mining actions and other activities that involve vehicle and equipment use, excavations, or blasting.** *BLM, and other jurisdictional Federal agencies as appropriate, shall implement or ensure implementation of measures to minimize injury or mortality of desert tortoises due to project construction, operation and maintenance; and most actions involving habitat disturbance.*

Terms and Conditions:

- 1.a. **Field Contact Representative**—BLM shall ensure a Field Contact Representative (FCR) (also called a Compliance Inspection Contractor) is generally designated for each contiguous stretch of construction activity for linear projects or isolated work areas for non-linear projects. The FCR will serve as an agent of BLM and the Service to ensure that all instances of non-compliance or incidental take are reported. BLM has discretion over approval of potential FCRs; however, those who also may be acting as authorized desert tortoise biologists, and must also be approved by the Service (see Term and Condition 1.c). All FCRs will report **directly** to BLM and the Service.
- The FCR, authorized desert tortoise biologist, and monitors (see Term and Condition 1.c.) shall have a copy of all stipulations when work is being conducted on the site and will be responsible for overseeing compliance with terms and conditions of the ROW grant, including those for listed species. BLM shall ensure the FCR and authorized desert tortoise biologists have authority to halt any activity that is in violation of the stipulations. The FCR shall be on site year-round during all project activities.
- Within 3 days of employment or assignment, the project proponent and BLM shall provide the Service with the names of the FCR.
- 1.b. **Authorized desert tortoise biologist**— **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.c. Authorized desert tortoise biologists, monitors, and the FCR (see Term and Condition 1.a.) shall be responsible for ensuring compliance with all conservation measures for the project. This responsibility includes: (1) enforcing the litter-control program; (2) ensuring that desert tortoise habitat disturbance is restricted to authorized areas; (3) ensuring that all equipment and materials are stored within the boundaries of the construction zone or within the boundaries of previously-disturbed areas or designated areas; (4) ensuring that all vehicles associated with construction activities remain within the proposed construction zones; (5) ensuring that no tortoises are underneath project vehicles and equipment prior to use or movement; (6) ensuring that all monitors (including the authorized desert tortoise biologist) have a copy of the required measures in their possession, have read them, and they are readily available to the monitor when on the project site.

Prior to final approval to begin work on the project, the desert tortoise monitor will have read the required measures (terms and conditions and other stipulations) and have a copy of the measures available at all times while on the project site. BLM shall provide the appropriate agency contact for the project to the Service and the Service will include the forms with approval letters. Biologists and monitors should be visibly identifiable on the project site, which may include use of a uniquely designated hardhat or safety vest color.

1. d. ***Desert tortoise monitor***— **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).**

Desert tortoise monitors assist an authorized desert tortoise biologist during surveys and serve as apprentices to acquire experience. Desert tortoise monitors ensure proper implementation of protective measures, and record and report desert tortoises and sign observations in accordance with Term and Condition 1.c. They will report incidents of noncompliance to the authorized desert tortoise biologist or FCR. No monitors shall be on the project site unless supervised by an authorized desert tortoise biologist or approved by the BLM.

If a desert tortoise is immediately in harm's way (*e.g.*, certain to immediately be crushed by equipment), desert tortoise monitors may move the desert tortoise then place it in a designated safe area until an authorized desert tortoise biologist assumes care of the animal.

Desert tortoise monitors may not conduct field or clearance surveys or other specialized duties of an authorized desert tortoise biologist unless directly supervised by an authorized desert tortoise biologist or approved to do so by the Service; "directly supervised" means an authorized desert tortoise biologist has direct sight and voice contact with the desert tortoise monitor (*i.e.*, within approximately 200 ft of each other).

Within 3 days of employment or assignment, the project proponent and BLM shall provide the Service with the names of desert tortoise monitors who would assist an authorized desert tortoise biologist.

1. e. ***Desert tortoise education program***—A desert tortoise education program shall be presented to all personnel on site during construction activities by an agency or authorized desert tortoise biologist. The Service, BLM, and appropriate state agencies shall approve the program. At a minimum, the program shall cover desert-specific Leave-No-Trace guidelines, the distribution of desert tortoises, general behavior and ecology of this species, sensitivity to human activities, threats including introduction of exotic plants and animals, legal protection (the definition of "take" will also be explained), penalties for violation of State and Federal laws, reporting requirements, and project measures in this biological opinion. All field workers shall be instructed that activities must be confined to locations within the approved areas and their obligation to walk around and check underneath and vehicles and equipment before moving them (or be cleared by an

authorized desert tortoise biologist). Workers and project associates will be encouraged to carpool to and from the project sites. In addition, the program shall include fire prevention measures to be implemented by employees during project activities. The program shall instruct participants to report all observations of desert tortoise and their sign during construction activities to the FCR and authorized desert tortoise biologist.

- 1.f. *Vehicle travel*— Project personnel shall exercise vigilance when commuting to the project area to minimize risk for inadvertent injury or mortality of all wildlife species encountered on paved and unpaved roads leading to and from the project site. Speed limits will be clearly marked, and all workers will be made aware of these limits. On-site, personnel shall carpool to the greatest extent possible. During the desert tortoise less-active season (generally November through February), vehicle speed on project-related access roads and in the work area will not exceed 25 mph. All vehicles and construction equipment will be tightly grouped.

During the more-active season (generally March through October), and if temperatures are above 60 but below 95 °F for more than 7 consecutive days, vehicle speed on project-related access roads and in the work area will not exceed 15 mph. All vehicles and construction equipment will operate in groups of no more than three vehicles.

New access and spur road locations will be sited to avoid potentially active tortoise burrows to the maximum extent practicable.

- 1.g. *Unauthorized access*—BLM shall ensure that unauthorized personnel, including the public and off-duty project personnel, do not travel on project-related temporary access roads, to the greatest extent practicable.

During the more-active season (generally March through October), and if temperatures are above 60 but below 95 °F for more than 7 consecutive days, project- and non-project-related activities on all access roads that intersect the ROW will be monitored and logged. During construction, the ROW will be fenced at public roads that intersect the ROW. Signs will say that access on the ROW is strictly prohibited except by authorized personnel and that violators will be prosecuted.

- 1.h. ***Desert tortoise clearance—required for this project.***

Prior to surface-disturbing activities, authorized desert tortoise biologists potentially assisted by desert tortoise monitors, shall conduct a clearance survey to locate and remove all desert tortoises from harm's way including areas to be disturbed using techniques that provide full coverage of all areas (Service 2009). During the more-active season, clearance surveys will be conducted either the day prior to, or the day of, any surface-disturbing activity. During the less-active season, clearance surveys will be conducted within 7 days prior to any surface-disturbing activity. No surface-disturbing activities shall begin until two consecutive surveys yield no individuals.

An authorized biologist shall excavate all burrows that have characteristics of potentially containing desert tortoises in the area to be disturbed with the goal of locating and removing all desert tortoises and desert tortoise eggs. During

clearance surveys, all handling of desert tortoises and their eggs and excavation of burrows shall be conducted solely by an authorized desert tortoise biologist in accordance with the most current Service-approved guidance (currently Service 2009). If any tortoise active nests are encountered, the Service must be contacted immediately, prior to removal of any tortoises or eggs from those burrows, to determine the most appropriate course of action. Unoccupied burrows shall be collapsed or blocked to prevent desert tortoise entry. Outside construction work areas, all potential desert tortoise burrows and pallets within 50 ft of the edge of the construction work area shall be flagged. If the burrow is occupied by a desert tortoise during the less-active season, the tortoise shall be temporarily penned (see Term and Condition 1.k.). No stakes or flagging shall be placed on the berm or in the opening of a desert tortoise burrow. Desert tortoise burrows shall not be marked in a manner that facilitates poaching. Avoidance flagging shall be designed to be easily distinguished from access route or other flagging, and shall be designed in consultation with experienced construction personnel and authorized biologists. All flagging shall be removed following construction activities.

An authorized desert tortoise biologist will inspect areas to be backfilled immediately prior to backfilling.

- 1.i. *Desert tortoise in harm's way*—Any project-related activity that may endanger a desert tortoise shall cease if a desert tortoise is found on the project site. Project activities may resume after an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.d.) removes the desert tortoise from danger or after the desert tortoise has moved to a safe area on its own.

During the more-active season and if temperatures are above 60 but below 95 °F for more than 7 consecutive days, at least 1 monitor shall be assigned to observe spoil piles prior to excavation and covering.

- 1.j. *Handling of desert tortoises*—Desert tortoises shall only be moved by an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.d.) solely for the purpose of moving the tortoises out of harm's way. During construction, operation, and maintenance, an authorized desert tortoise biologist shall pen, capture, handle, and relocate desert tortoises from harm's way as appropriate and in accordance with the most current Service-approved guidance. No tortoise shall be handled by more than one person. Each tortoise handled will be given a unique number, photographed, and the biologist will record all relevant data on the Desert Tortoise Handling and Take Report (Appendix E) to be provided to BLM in accordance with the project reporting requirements.

Desert tortoises that occur aboveground and need to be moved from harm's way shall be placed in the shade of a shrub, 150 to 1,640 ft from the point of encounter. In situations where desert tortoises must be moved more than 1,640 ft (500 m), translocation procedures may be required. Translocation would likely result in a level of effect to the desert tortoise that would require the appended procedures.

If desert tortoises need to be moved at a time of day when ambient temperatures could harm them (less than 40 ° F or greater than 95° F), they shall be held overnight in a clean cardboard box. These desert tortoises shall be kept in the care of an authorized biologist under appropriate controlled temperatures and released the following day when temperatures are favorable. All cardboard boxes shall be discarded after one use and never hold more than one tortoise. If any tortoise active nests are encountered, the Service must be contacted immediately, prior to removal of any tortoises or eggs from those burrows, to determine the most appropriate course of action.

Desert tortoises located in the project area sheltering in a burrow during the less-active season may be temporarily penned in accordance with Term and Condition 1.k. at the discretion of an authorized desert tortoise biologist. Desert tortoises should not be penned in areas of moderate to heavy public use, rather they should be moved from harm's way in accordance with the most current Service-approved guidance (currently Service 2009).

Desert tortoises shall be handled in accordance with the Desert Tortoise Field Manual (Service 2009). Equipment or materials that contact desert tortoises (including shirts and pants) shall be sterilized, disposed of, or changed before contacting another tortoise to prevent the spread of disease. All tortoises shall be handled using disposable surgical gloves and the gloves shall be disposed of after handling each tortoise. An authorized desert tortoise biologist shall document each tortoise handling by completing the Desert Tortoise Handling and Take Report (Appendix E).

- 1.k. *Penning*—Not required for this project.
- 1.l. *Temporary tortoise-proof fencing*— Not required for this project.
- 1.m. ***Permanent tortoise-proof fencing***— **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 Table 15 below.**

Tortoise-proof fencing shall be installed around the boundary of permanent aboveground facilities that require regular monitoring and maintenance and other areas as directed by the BLM or Service. Fence specifications will be consistent with those approved by the Service (Service 2009). Tortoise guards shall be placed at all road access points where desert tortoise-proof fencing is interrupted, to exclude desert tortoises from the facility. **Gates shall provide minimal ground clearance and deter ingress by desert tortoises.** Permanent tortoise-proof fencing along the project area shall be appropriately constructed, monitored, and maintained. Fencing shall be inspected in accordance with Table 15 and reports prepared in accordance with Term and Condition 7.c. unless modified by the Service.

Monitoring and maintenance shall include regular removal of trash and sediment accumulation and restoration of zero ground clearance between the ground and the bottom of the fence, including re-covering the bent portion of the fence if not buried.

Table 15. Desert tortoise fence inspection requirements

Condition	Minimum Requirements
First week following fence installation; tortoises active	Inspect fence perimeter, tortoise guards, and gates twice per day, timed to occur when tortoises may be pacing the fenceline.
First week following fence installation; tortoises inactive	Inspect fence perimeter, tortoise guards, and gates once per day.
Beginning the second week following fence construction, tortoises active	Inspect fence perimeter, tortoise guards, and gates once per day.
Beginning the second week following fence construction, tortoises inactive	Inspect fence perimeter, tortoise guards, and gates once per month.
Following major storm event, tortoises active	Inspect fence perimeter, tortoise guards, and gates within 48 hours.
Following major storm event, tortoises inactive	Inspect fence perimeter, tortoise guards, and gates within 72 hours.
Breach in fence observed, tortoise guard or gate requires maintenance, tortoises active	Repair within 48 hours of breach occurrence.
Breach in fence observed, tortoise guard or gate requires maintenance, tortoises inactive	Repair within 1 week of breach occurrence.

- 1.n. *Wildlife escape ramps*— Not required for this project. See measure 8.d. for trenches.
- 1.o. *Dust control*—Water applied to for dust control shall not be allowed to pool outside desert-tortoise fenced areas, as this can attract desert tortoises. Similarly, leaks on water trucks and water tanks will be repaired to prevent pooling water. An authorized desert tortoise biologist will be assigned to patrol each area being watered immediately after the water is applied and at approximate 60-minute intervals until the ground is no longer wet enough to attract tortoises if conditions favor tortoise activity.
- 1.p. *Blasting*— Not applicable for the proposed action.
- 1.q. *Power transmission projects*—Transmission line support structures and other facility structures shall be designed to discourage their use by raptors for perching or nesting (*e.g.*, by use of anti-perching devices) in accordance with the most current Avian Power Line Interaction Committee guidelines (see terms and conditions 2.b and 2.c.).
- 1.r. *Timing of construction*—The BLM shall ensure that when possible, the project proponent schedules and conducts construction, operation, and maintenance activities within desert tortoise habitat during the less-active season (generally October 31 to March 1) and during periods of reduced desert tortoise activity (typically when ambient temperatures are less than 60 or greater than 95 °F). All vehicles and equipment that are not in areas enclosed by desert tortoise exclusion fencing will stop activities in desert tortoise habitat during rainfall events in the more-active season (generally March 1 to October 31), and if temperatures are above 60 but below 95 °F for more than 7 consecutive days.

The Field Contact Representative (FCR) or designee will determine, in coordination with the BLM and Service, when it is appropriate for project activities to continue.

**RPM 2: Predator Control— Applies to all actions.** *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize injury to desert tortoises as a result of predators drawn to the project area from construction, operation, and minor maintenance activities:*

Terms and Conditions:

- 2.a. *Litter control, applies to all projects*—A litter control program shall be implemented to reduce the attractiveness of the area to opportunistic predators such as desert kit foxes, coyotes, and common ravens. Trash and food items will be disposed of properly in predator-proof containers with predator-proof lids. Trash containers will be emptied and construction waste will be removed daily from the project area and disposed of in an approved landfill. Vehicles hauling trash to the landfill or transfer facility must be secured to prevent litter from blowing out along the road.
- 2.b. *Deterrence*—The project proponent will implement measures to discourage the presence of predators on site (coyotes, ravens, etc.), including elimination of available water sources, designing structures to discourage potential nest sites, and use of hazing to discourage raven presence.
- 2.c. *Monitoring and predator control*— Projects that may create nest sites for ravens: The project proponent will monitor for the increased presence of ravens and other potential human-subsidized predators in the vicinity of the project area. A qualified biologist (not necessarily an authorized desert tortoise biologist) shall conduct monthly nest surveys of potential nest sites (*e.g.*, power transmission towers/poles) during the raven breeding season (generally February 1 to April 30) and document the presence of all nests and the species using them. During these monthly surveys, an authorized biologist will also document any sign of predation of desert tortoises below the nest and in the vicinity of the transmission line. If sign of predation is found under a nest, control measures will be implemented in coordination with the Service. The frequency of these nest surveys may be modified as agreed upon by BLM and the Service.
- 2.d. *Evaporation ponds and open water sources*—Not applicable for the proposed action.

**RPM 3: Impacts to Desert Tortoise Habitat—Applies towards all actions that involve habitat impacts.** *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize loss and long-term degradation and fragmentation of desert tortoise habitat, such as soil compaction, erosion, crushed vegetation, and introduction of weeds or contaminants from construction, operation, and minor maintenance activities:*

Terms and Conditions:

- 3.a. *Habitat protection plans*— BLM shall ensure that the applicants develop and

- implement an approved fire prevention and response plan, erosion control plan, and a weed management plan approved by BLM prior to surface disturbance.
- 3.b. *Restoration plan*— BLM shall ensure that the applicant develop and implement a restoration/reclamation plan. The plan will describe objectives and methods to be used, species of native plants and/or seed mixture to be used, time of planting, success standards, actions to take if restoration efforts fail to achieve the success standards, and follow-up monitoring. The plan will be prepared and approved prior to the surface disturbance phase of the project. Reclamation will be addressed on a case-by-case basis.
- 3.c. *Minimizing new disturbance*—Cross-country travel outside designated areas shall be prohibited. All equipment, vehicles, and construction materials shall be restricted to the designated areas and new disturbance will be restricted to the minimum necessary to complete the task (*e.g.*, such as construction of one-lane access roads with passing turnouts every mile rather than a wider two-lane road). All work area boundaries shall be conspicuously staked, flagged, or otherwise marked to minimize surface disturbance activities.
- 3.d. *Weed prevention*—Vehicles and equipment shall be cleaned with a high pressure washer prior to arrival in desert tortoise habitat and prior to departure from areas of known invasive weed and nonnative grass infestations to prevent or at least minimize the introduction or spread these species.
- 3.e. *Chemical spills*—Hazardous and toxic materials such as fuels, solvents, lubricants, and acids used during construction will be controlled to prevent accidental spills. Any leak or accidental release of hazardous and toxic materials will be stopped immediately and cleaned up at the time of occurrence. Contaminated soils will be removed and disposed at an approved landfill site.
- 3.f. ***Residual impacts from disturbance***— **As proposed, this project will disturb 19 acres of desert tortoise habitat. For disturbance of critical habitat on BLM lands, the fee would be assessed at the rate of \$836.00 per acre of disturbance. If paid prior to March 1, 2015, the total fees due will be \$15,884. This rate is subject to change as described in the term and conditions, if fees are paid after March 1, 2015.**

BLM shall collect remuneration fees to offset residual impacts to desert tortoises from project-related disturbance to desert tortoise habitat.

Remuneration fees will be used for management actions expected to promote recovery of the desert tortoise over time, including management and recovery of desert tortoise in Nevada. Actions may involve habitat acquisition, population or habitat enhancement, increasing knowledge of the species' biological requirements, reducing loss of individual animals, documenting the species status and trend, and preserving distinct population attributes. Fees will be used to fund the highest priority recovery actions for desert tortoises in Nevada

The current rate is \$836 per ac of disturbance, as indexed for inflation, effective March 1, 2014. The next adjustment will become effective March 1, 2015. The fee rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31st of each year, becoming effective March 1st. Fees assessed or collected for projects

covered under this biological opinion will be adjusted based on the current CPI-U for the year they are collected. Information on the CPI-U can be found on the internet at: <http://stats.bls.gov/news.release/cpi.nws.htm>.

**RMP 7: Compliance and Reporting—Applies towards all actions.** *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to comply with the reasonable and prudent measures, terms and conditions, reporting requirements, and reinitiation requirements contained in this biological opinion:*

Terms and Conditions:

- 7.a. *Desert tortoise deaths*—The deaths and injuries of desert tortoises shall be investigated as thoroughly as possible to determine the cause. The Service (702/515-5230), BLM wildlife staff (702/515-5000) and appropriate state wildlife agency must be verbally informed immediately and within 5 business days in writing (electronic mail is sufficient). The Authorized Desert Tortoise Biologist shall complete the Desert Tortoise Handling and Take Report (Appendix E).
- 7.b. *Non-compliance*—Any incident occurring during project activities that was considered by the FCR, authorized desert tortoise biologist, or biological monitor to be in non-compliance with this biological opinion shall be immediately documented by an authorized desert tortoise biologist. Documentation shall include photos, GPS coordinates, and details on the circumstances of the event. The incident will be included in the annual report and post-project report.
- 7.c. *Fence inspection*— **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.**  
Quarterly reports (January-March, April-June, July-September, and October – December) for monitoring and repair of tortoise-proof fencing as specified in Table 15, shall be submitted to the Service’s Nevada Fish and Wildlife Office in Las Vegas. Reports are due within the first 30 days following each quarter (e.g., the report for quarter January-March is due April 30).
- 7.d. ***Project reporting requirements*— Project proponents will provide BLM with compliance reports.** Quarter (non-appended actions), annual, and comprehensive final project reports will be submitted to BLM and the Service’s Nevada Fish and Wildlife Office in Las Vegas. Annual reports are required for all appended actions (except those completed and provided in a prior annual report). Annual reports will cover the calendar year and are due April 1<sup>st</sup> of the following year (e.g., the annual report for calendar year 2013 is due April 1, 2014). Quarterly reports for non-appended actions are due 15 calendar days following the quarter. Final project reports are due within 60 days following completion of the project or each phase of the project.  
The Programmatic Biological Opinion Report to the Fish and Wildlife Service (Appendix G) will be used for quarterly, annual, and final project reports, and

shall include all Desert Tortoise Handling and Take Reports (Appendix E). If available, GIS shape files will be included.

- 7.e. **Operation and maintenance**—A written assessment report shall be submitted annually to the Service outlining the operation and maintenance activities that occurred over the past year.

Report to include: It will include frequency of implementation of minimization measures, biological observations, general success of each of the minimization measures. All deaths, injuries, and illnesses of endangered or threatened species within the project area, whether associated with project activities or not, will be summarized in the annual report. The report is due April 1 of each year.

- 7.f. **Restoration monitoring**—Not required for this project.

8: **Minimization Measures**

- 8.a. **The project applicant shall notify BLM wildlife staff at 702-515-5000 at least 10 days before initiation of the project.** Notification shall occur before any activities begin that will damage or remove vegetation, such as off-road vehicle travel for surveys, soil testing, and clearing vegetation off the project site. The purpose of the notification is to ensure that the proper education program is given and to review expectations for compliance with the terms and conditions of the biological opinion.

- 8.b. Overnight parking and storage of equipment and materials, including stockpiling, shall be in previously disturbed areas or areas cleared by a tortoise biologist. If not possible, areas for overnight parking and storage of equipment shall be designated by the tortoise biologist in coordination with BLM and project proponent, which will minimize habitat disturbance.

- 8.c. Within desert tortoise habitat, any construction pipe, culvert, or similar structure with a diameter greater than 3 inches stored less than 8 inches above the ground will be inspected for tortoises before the material is moved, buried, or capped.

- 8.d. **Trenches:** All trenches and holes will be covered, fenced or backfilled to ensure desert tortoises do not become trapped unless alternate measures are in place as agreed by BLM and the Service. If trenches or holes are to remain open during construction, they will be checked for tortoises at least four times a day, at the start of day, at mid-morning, early afternoon, and at the end of the work day. The trenches or holes will also be checked immediately before backfilling regardless of the season. Any tortoise that is found in a trench or excavation shall be promptly removed by an authorized desert tortoise biologist in accordance with the most current Service-approved guidance. If the authorized desert tortoise biologist is not allowed to enter the trench for safety reasons, the alternative method of removal must have prior approval by the Service.

- 8.e. **Ravens and other avian tortoise predators:** All towers and poles will be fitted with “bird-be-gone” or other perch deterrent devices to minimize the potential for increased predation from aerial predators following construction.

- 8.f. Vehicles:** All project/event-related individuals shall check underneath stationary vehicles before moving them. Tortoises often take cover under vehicles. All vehicle use will be restricted to existing roads. New access roads will be created only when absolutely necessary and only when approved by BLM. Workers shall not drive or park vehicles where catalytic converters can ignite dry vegetation and to exhibit care when smoking in natural areas. Fire protective mats or shields shall be used during grinding or welding.

Vehicles will comply with the posted speed limit. A Speed limit of 25 MPH shall be required on unposted county road and unpaved road and trails used to access the project site.

On-site personnel shall carpool to the greatest extent possible.

#### **Minimization Measures to Minimize Threat of Nonnative Plants**

- 8.g. Rehabilitate, reclaim, or revegetate areas subjected to surface-disturbing activities where feasible. Habitat will be reclaimed so that pre-disturbance conditions can be reached within a reasonable time frame. Reclamation may include salvage and transplant of cacti and yucca, recontouring the area, scarification of compacted soil, soil amendments, seeding, vertical mulch, and transplant of seedling shrubs. If necessary subsequent seeding or transplanting efforts may be required, should monitoring indicate that the original effort was not successful.
- 8.h. Complete a Weed Risk Assessment for the proposed project prior to construction activities. This document will address the presence of any weeds; the potential for weeds within the project area to be spread to non-infested areas within the project area; the potential for introducing weeds into the project area via vehicles, equipment, fill material, and water brought in from an outside source; and minimization to reduce the potential for spreading weeds.
- 8.i. If off-site fill material is used, survey the site where the fill source comes from for noxious plants. Only fill from non-contaminated sites shall be used.
- 8.j. Certify that all plant material including animal feed and material used for erosion control (straw, etc.) is weed-free.
- 8.k. Clean all equipment of weed and grass seeds, stems, stalks, etc., prior to arrival and release from the project site. The washdown will concentrate on the undercarriage, with special emphasis on axles, crossmembers, motor mounts, and on and underneath steps, running boards and front bumper/bushguard assemblies.
- 8.l. Should there be concentrated areas of noxious weeds within the project area, additional spraying of equipment may be required to prevent the contamination of uninfested areas.

- 8.m. Wash sites will be mapped for future monitoring of weed infestations.
- 8.n. Mechanized treatments will not be conducted on slopes greater than 30 percent to minimize erosion.
- 8.o. Treatments that compact and disturb the soil to the degree that runoff and erosion would be increased should be ripped and properly drained.
- 8.p. Untreated islands of natural vegetation would be left to minimize negative impacts of the natural community.
- 8.q. When herbicide use is approved by BLM and the Service, applicant will follow information and guidelines provided on label and pesticide use permit.

## APPENDIX E. DESERT TORTOISE HANDLING AND TAKE REPORT

If a desert tortoise is killed or injured, immediately contact the U.S. Fish and Wildlife Service and BLM, by phone at the numbers below and complete Section 1 of the form.

Completed forms should be submitted to the BLM and Fish and Wildlife Service:

Bureau of Land Management  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
702-515-5000

U.S. Fish and Wildlife Service  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
702-515-5230

Project Name: NV Energy Harry Allen Switchyard Expansion Project NEPA No.: DOI-BLM-NV-S010-2014-0148-CX Case File No./SRP: N-74510 BLM Section 7 log no.: NV-052-14-220	Report Date:
Fish and Wildlife Service Append File No.: n/a	
Authorized Desert Tortoise Biologist: _____ Employed by: _____	
<b>Section 1: Complete all information below if a desert tortoise is injured or killed in addition to initial contact described above.</b>	
If tortoise was injured <input type="checkbox"/> or killed <input type="checkbox"/> (check appropriate box):	
Date and time found: _____ Found by: _____ GPS location (NAD 83): easting: _____ northing: _____ No. of photos taken: _____ Disposition: _____	
Attach report with photos that describe in detail, the circumstances and potential cause of injury or mortality. For injuries include name of veterinarian and detailed assessment of injuries.	

**Section 2: Complete all information below for each desert tortoise handled.**

All instances of desert tortoise handling must be reported in this section and be included in the quarterly, annual, and final project reports.

Desert tortoise number: \_\_\_\_\_

Date and time found: \_\_\_\_\_ Sex of tortoise: \_\_\_\_\_

Air temperature when found: \_\_\_\_\_ Air temperature when released: \_\_\_\_\_

Tortoise activity when found: \_\_\_\_\_

Handled by: \_\_\_\_\_ Approx. carapace length \_\_\_\_\_

GPS location (NAD 83) found: easting: \_\_\_\_\_ northing: \_\_\_\_\_

GPS location released: easting: \_\_\_\_\_ northing: \_\_\_\_\_

Approximate distance moved: \_\_\_\_\_

Did tortoise void bladder; if so state approximate volume and actions taken:

\_\_\_\_\_

Post handling or movement monitoring and observations:

\_\_\_\_\_

**Section 3: Complete for each tortoise burrow penned.**

All instances of desert tortoise penning must be reported in this section and be included in the quarterly, annual, and final project reports.

Date and time of pen construction:

Began: \_\_\_\_\_ Completed: \_\_\_\_\_

Date and time pen removed: \_\_\_\_\_

Pen constructed by: \_\_\_\_\_

Why was tortoise penned? \_\_\_\_\_

How frequently was pen monitored? \_\_\_\_\_

Observations of desert tortoise behavior including time and date of observation:

\_\_\_\_\_

Include photos of pen and burrow with report.

**APPENDIX F. SECTION 7 FEE PAYMENT FORM**

**SECTION 7 LAND DISTURBANCE FEE PAYMENT FORM**

Biological Opinion File Number: 84320-2010-F-0365.R002

Biological Opinion Issued By: Nevada Fish and Wildlife Office, Las Vegas, Nevada

Species: Mojave Desert Tortoise (*Gopherus agassizii*)

Project Name: NV Energy Harry Allen Switchyard Expansion Project

NEPA #: DOI-BLM-NV-S010-2014-0148-CX

Case File/Serial #: N-74510

BLM Sec 7 log #: NV-052-14-220

Project Proponent: NV Energy

Phone Number: \_\_\_\_\_

Payment Calculations:	Clark County		County		County	
	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat
# acres anticipated to be disturbed on federal land		19				
Fee rate (per acre)		\$836				
Total cost/habitat type (per county)	0	\$15,884	\$ -	\$ -	\$ -	\$ -
Total cost per county	\$15,884		\$ -		\$ -	

**Total payment required (all counties): \$ 15,884**

Amount paid: \_\_\_\_\_ Date: \_\_\_\_\_ Check/Money Order #: \_\_\_\_\_

Authorizing agencies: Bureau of Land Management, Las Vegas, Nevada  
 Make check payable to: Bureau of Land Management

Deliver check to: **Physical Address**  
 Bureau of Land Management  
 Attn: Information Access Ctr  
 1340 Financial Blvd.  
 Reno, NV 89502

**Credit Card Payments:** Contact BLM State Office Public room at 775-861-6500

For BLM Public Room

**Process check to:**

Contributed Funds-All Other

WBS: LVTFXX000800

7122 FLPMA

All other Res. Dev. Project and Management

Remarks: LLNV934000 L71220000.JP0000 LVTFXX000800 Desert  
Tortoise Conservation Program

Please provide a copy of this completed  
payment form and the payment receipt to NV-  
930, Attn: T&E Program Lead

*\*\*T&E Program Lead will provide a copy to the  
appropriate District Office(s)*

**APPENDIX G. PROGRAMMATIC BIOLOGICAL OPINION (FILE NO. 84320-  
2010-F-0365.R002) REPORT TO THE FISH AND WILDLIFE SERVICE**

The information below should be completed by BLM or the Authorized Desert Tortoise  
Biologist for the project/action. Reports for all appended actions are required annually (due  
March 1 of each year for prior calendar year activities) and upon completion of the  
project/action.

Project Name: NV Energy Harry Allen Switchyard Expansion Project

NEPA no.: DOI-BLM-NV-S010-2014-0148-CX

Case File no./SRP N-74510

BLM Section 7 log no.: NV-052-14-220

Annual Report

Project Completion Report

1. Date: \_\_\_\_\_

2. Fish and Wildlife Service File No (for appended actions): n/a

3. Species and critical habitat affected:

Desert tortoise

Desert tortoise critical habitat

Other (identify):

4. Project/action status:

Not begun     In progress\*     Completed    date \_\_\_\_\_

If in progress, state approximate percent complete: \_\_\_\_\_

5. Desert tortoise habitat disturbed:

Non-critical habitat		Critical habitat	
Proposed disturbance (ac)	Actual disturbance (ac)	Proposed disturbance (ac)	Actual disturbance (ac)
19			

6. Habitat of other species disturbed (identify species, non-critical, and critical habitat affected below):

7. Summary of individual desert tortoises taken (appended action):

	Desert Tortoise:		
	Adults	Juveniles	Eggs
Exempted			
Actual			

Describe other individuals taken:


8. Name of authorized desert tortoise biologists and monitors on the project and the dates they were on the project.

9. Describe all non-compliance issues and events.

10. Desert tortoise burrow observed during activity/event:

Total number desert tortoises observed: _____
Total number desert tortoises burrows observed: _____
Attach a summary report detailing each desert tortoise and/or desert tortoise burrows observed during activity/event including tortoise activity when found, how the animal was avoided, what happened to the tortoise, the date and time encountered and GPS location (NAD 83 easting: _____ northing: _____)

11. Contact Information

Name \_\_\_\_\_ Company \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Send completed form to:  
Bureau of Land Management  
Attn: Wildlife Staff  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
702-515-5000

U.S. Fish and Wildlife Service  
4701 North Torrey Pines Drive  
Las Vegas, NV 89130

**EXHIBIT E**

**PUBLIC NOTICE**  
**AND**  
**AFFIDAVIT OF PUBLICATION**

**Affidavit of Publication**

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

**NV ENERGY LAS VEGAS  
M/S 03-A  
6226 W SAHARA AVE  
LAS VEGAS NV 89146**

**Account # 22525  
Ad Number 0000622967**

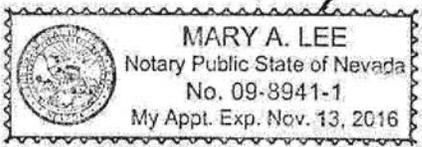
Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 09/18/2015 to 09/18/2015, on the following days:

**09 / 18 / 15**

ISI *Eileen Gallagher*  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 18th day of September, 2015

Notary *Mary Lee*



BEFORE THE PUBLIC UTILITIES  
COMMISSION OF NEVADA

NOTICE OF APPLICATION

Nevada Power Company, doing business as NV Energy ("NV Energy"), intends to submit an application for a permit to construct utility facilities, namely the Playa Solar Interconnection Facilities at the Harry Allen Substation, within unincorporated Clark County, Nevada. This request for a permit to construct will be filed with the Public Utilities Commission of Nevada ("PUCN") pursuant to the Utility Environmental Protection Act ("UEPA") under Nevada Revised Statutes chapter 704, sections 820 to 900 and Nevada Administrative Code, chapter 703, sections 415 to 427.

NOTICE OF APPLICATION FOR  
A PERMIT TO CONSTRUCT  
UNDER UEPA FOR NEW 230 KV  
SUBSTATION FACILITIES.

Notice is hereby given to persons residing in the municipalities in which the utility facilities to be constructed will be located. NV Energy will request a permit to construct the following utility facilities as part of the Playa Solar Interconnection Facilities at the Harry Allen Substation:

- (1) Two (2) 230kV circuit breakers;
- (2) One (1) 230kV A-frame structure;
- (3) Associated protective relaying systems, circuits, telecommunication systems and related equipment appurtenant to the safe, reliable and cost-effective operation of these new and existing facilities.

The new substation interconnection facilities will be installed entirely within the existing Harry Allen Substation footprint and fenceline, which is located approximately 23 miles northeast of Las Vegas, Nevada. The purpose of the substation interconnection facilities is to facilitate the interconnection of the Playa Solar 100MW solar generation plant into the Nevada Power system, per Nevada Power's Large Generator Interconnection Agreement and Power Purchase Agreement between Nevada Power and Playa Solar.

The contents of the UEPA Application for the Playa Solar Interconnection Facilities at the Harry Allen Substation will include, among other things:

- (1) A description of the proposed facilities requiring a permit to construct from the PUCN and their location, including a description of any associated equipment proposed for the facilities and diagrams of the location and layout of the proposed utility facilities;
- (2) An environmental statement that describes the environmental characteristics of the project area, the potential environmental impacts from the construction and specific mitigation measures to be implemented to reduce those impacts;
- (3) A list of federal, state, regional and local agencies whose approval may be required for the proposed utility facilities; and
- (4) An explanation of the extent to which the proposed facilities are needed to ensure reliable utility service to electric customers within this state.

The UEPA application will be filed under and governed by the provisions of the UEPA. Protests and written comments about the granting of the UEPA application must be filed with the PUCN as provided by law.

DATED this 18th day of  
September, 2015  
NV ENERGY

PUB: September 18, 2015  
LV Review-Journal

**EXHIBIT F**  
**CERTIFICATE OF SERVICE**

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**CERTIFICATION OF SERVICE**

I hereby certify that I have served the foregoing **NEVADA POWER COMPANY**  
**D/B/A NV ENERGY'S FILING** In Docket No. 15-10 \_\_\_\_\_ upon the persons listed below  
by electronic mail:

Tammy Cordova  
Staff Counsel  
Public Utilities Commission of Nevada  
tcordova@puc.nv.gov

Staff Counsel Division  
Public Utilities Commission of Nevada  
pucn.sc@puc.nv.gov

Leo Drozdoff  
Division of Environmental Protection  
Nevada Department of Conservation  
and Natural Resources  
khoward@ndep.nv.gov

Eric Witkoski  
Attorney General's Office  
Bureau of Consumer Protection  
ewitkoski@ag.nv.gov

Skip Canfield  
Division of State Lands  
Nevada Department of Conservation  
and Natural Resources  
scanfield@lands.nv.gov

Attorney General's Office  
Bureau of Consumer Protection  
bcpserv@ag.nv.gov

Reese Tietje  
Nevada State Clearinghouse  
Dept. of Administration  
clearinghouse@state.nv.us

Mark Harris, Planning Engineer  
Public Utilities Commission of Nevada  
mpharris@puc.nv.gov

LuAnn D. Holmes  
Acting Las Vegas City Clerk  
City Hall, First Floor  
ldholmes@lasvegasnevada.gov

Diana Alba  
Clark County Clerk  
clerkem@ClarkCountyNV.gov

Louise Uttinger  
Assistant Staff Counsel  
Public Utilities Commission of Nevada  
1150 East William Street  
Carson City, NV 89701-3109  
uttinger@puc.nv.gov

Sandra L. Merlino  
Nye County Clerk  
smerlino@co.nye.nv.us

DATED this 29th day of October, 2015.

*/s/Janice Baldarelli*  
Janice Baldarelli  
Legal Administrative Assistant  
Nevada Power Company

**EXHIBIT G**  
**BLM RIGHT-OF-WAY GRANT**  
**N-74510/G**

# EXHIBIT G - BLM GRANT N-74510/G



## United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Southern Nevada District Office  
Las Vegas Field Office  
4701 N. Torrey Pines Drive  
Las Vegas, Nevada 89130  
<http://www.blm.gov/nv/st/en.html>

**JAN 28 2015**

In Reply Refer To:  
N-74510/G/  
2800 (NVS0056)

HAND DELIVERED

### DECISION

Nevada Power Company d/b/a NV Energy	:	
Ms. Lisa Drake	:	Right-of-Way
P.O. Box 98910, MS #9	:	
Las Vegas, Nevada 89151	:	

Right-of-Way Issued  
Rental Determined

Enclosed is a copy of right-of-way (ROW) N-74510/G/, which has been approved by the Bureau of Land Management. The rental for the linear ROW is determined according to regulations found in 43 CFR 2806.23. The advance rental for ROW N-74510/G/ has been determined to be \$24,000.00 for the term January 1, 2015 through December 31, 2015. Rental has been received, and noted to our records.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

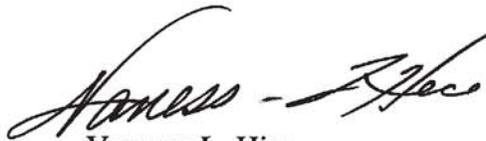
If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

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

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

If you have any questions, please contact Joseph Varner, Realty Specialist, by email at [jvarner@blm.gov](mailto:jvarner@blm.gov) or by telephone at 702-515-5129.



Vanessa L. Hice  
Assistant Field Manager  
Division of Lands

Enclosures

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT / TEMPORARY USE PERMIT

Issuing Office  
Las Vegas Field Office  
Serial Number  
N-74510/G/

1. A (right-of-way) (~~permit~~) is hereby granted pursuant to:
- a.  Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776 43 U.S.C. 1761);
  - b.  Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
  - c.  Other (describe) \_\_\_\_\_.

2. Nature of Interest:

a. By this instrument, the holder, Nevada Power Company d/b/a NV Energy, receives a right to construct, operate, maintain, and terminate a 525/230kV transformer and associated facilities, switchyard fencing, and storm water drainage for the expansion of the existing Harry Allen 500kV and Harry Allen 230kV switchyards with related appurtenances on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Mount Diablo Meridian, Nevada  
T. 17 S., R. 63 E.,  
sec. 35, lots 3 and 4,  
S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

A map showing the location of the right-of-way is on file with the Bureau of Land Management, Las Vegas Field Office, in casefile N-74510/G/.

- b. The right-of-way or permit area granted herein is N/A feet wide, N/A feet in length, and contains N/A acres, more or less. If a site type facility, the facility contains 30 acres.
- c. This instrument shall terminate on December 31, 2044, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument  may  may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

(Continued on page 2)

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.

b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 120 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.

c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.

d. The stipulations, plans, maps, or designs set forth in Exhibits A, B, and C, dated JAN 28 2015 are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

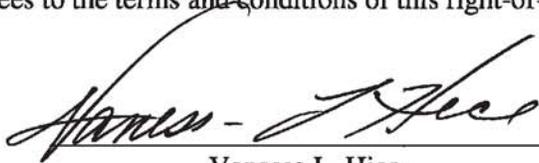
IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

NEVADA POWER COMPANY  
dba NV ENERGY

Sharon McShea

(Signature of Holder)

BY: SHARON MCSHEA



Vanessa L. Hice  
Assistant Field Manager  
Division of Lands

SUPERVISOR - RIGHT OFWAY

(Title)

(Title)

1-21-2015

(Date)

1/28/15

(Effective Date of Grant)

Exhibit A  
Stipulations N-74510/G/

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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.

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Exhibit A  
N-74510/G/  
Page 1 of 28

- 1.7. 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.
- 1.8. 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.
- 1.9. 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.
- 1.10. 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.
- 1.11. 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).
- 1.12. 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.

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Exhibit A  
N-74510/G/  
Page 2 of 28

- 2.5. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
- 2.6. Holder shall conduct all activities associated with construction, operation, maintenance and termination of this ROW within its authorized limits.
- 2.7. 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.
- 2.8. 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.
- 2.9. 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.
- 2.10. 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.

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N-74510/G/  
Page 4 of 28

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 be 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.

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Exhibit A  
N-74510/G/  
Page 5 of 28

- 9.2. 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.
- 9.3. 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.
- 9.4. 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.
- 9.5. 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.

- 9.6. 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.

**JAN 28 2015**

Exhibit A  
N-74510/G/  
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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.

- 9.7. 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.

- 12.2. Several noxious and invasive species are known to occur in the immediate vicinity of the project area including Sahara Mustard and African Malcomia.
- 12.3. 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.
- 12.4. 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.

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#### 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:

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Case Number: N-74510/G/  
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.

**RPM 1:** **Applies towards lands and realty, ROWs, and mining actions and other activities that involve vehicle and equipment use, excavations, or blasting.** *BLM, and other jurisdictional Federal agencies as appropriate, shall implement or ensure implementation of measures to minimize injury or mortality of desert tortoises due to project construction, operation and maintenance; and most actions involving habitat disturbance.*

Terms and Conditions:

- 1.a. **Field Contact Representative**—BLM shall ensure a Field Contact Representative (FCR) (also called a Compliance Inspection Contractor) is generally designated for each contiguous stretch of construction activity for linear projects or isolated work areas for non-linear projects. The FCR will serve as an agent of BLM and the Service to ensure that all instances of non-compliance or incidental take are reported. BLM has discretion over approval of potential FCRs; however, those who also may be acting as authorized desert tortoise biologists, and must also be approved by the Service (see Term and Condition 1.c). All FCRs will report **directly** to BLM and the Service.  
The FCR, authorized desert tortoise biologist, and monitors (see Term and Condition 1.c.) shall have a copy of all stipulations when work is being conducted on the site and will be responsible for overseeing compliance with terms and conditions of the ROW grant, including those for listed species. BLM shall ensure the FCR and authorized desert tortoise biologists have authority to halt any activity that is in violation of the stipulations. The FCR shall be on site year-round during all project activities.  
Within 3 days of employment or assignment, the project proponent and BLM shall provide the Service with the names of the FCR.
- 1.b. **Authorized desert tortoise biologist**— **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. c. Authorized desert tortoise biologists, monitors, and the FCR (see Term and Condition 1.a.) shall be responsible for ensuring compliance with all conservation measures for the project.

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This responsibility includes: (1) enforcing the litter-control program; (2) ensuring that desert tortoise habitat disturbance is restricted to authorized areas; (3) ensuring that all equipment and materials are stored within the boundaries of the construction zone or within the boundaries of previously-disturbed areas or designated areas; (4) ensuring that all vehicles associated with construction activities remain within the proposed construction zones; (5) ensuring that no tortoises are underneath project vehicles and equipment prior to use or movement; (6) ensuring that all monitors (including the authorized desert tortoise biologist) have a copy of the required measures in their possession, have read them, and they are readily available to the monitor when on the project site.

Prior to final approval to begin work on the project, the desert tortoise monitor will have read the required measures (terms and conditions and other stipulations) and have a copy of the measures available at all times while on the project site. BLM shall provide the appropriate agency contact for the project to the Service and the Service will include the forms with approval letters. Biologists and monitors should be visibly identifiable on the project site, which may include use of a uniquely designated hardhat or safety vest color.

1. d. ***Desert tortoise monitor*— 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).**

Desert tortoise monitors assist an authorized desert tortoise biologist during surveys and serve as apprentices to acquire experience. Desert tortoise monitors ensure proper implementation of protective measures, and record and report desert tortoises and sign observations in accordance with Term and Condition 1.c. They will report incidents of noncompliance to the authorized desert tortoise biologist or FCR. No monitors shall be on the project site unless supervised by an authorized desert tortoise biologist or approved by the BLM.

If a desert tortoise is immediately in harm's way (*e.g.*, certain to immediately be crushed by equipment), desert tortoise monitors may move the desert tortoise then place it in a designated safe area until an authorized desert tortoise biologist assumes care of the animal.

Desert tortoise monitors may not conduct field or clearance surveys or other specialized duties of an authorized desert tortoise biologist unless directly supervised by an authorized desert tortoise biologist or approved to do so by the Service; "directly supervised" means an authorized desert tortoise biologist has direct sight and voice contact with the desert tortoise monitor (*i.e.*, within approximately 200 ft of each other).

Within 3 days of employment or assignment, the project proponent and BLM shall provide the Service with the names of desert tortoise monitors who would assist an authorized desert tortoise biologist.

- 1.e. ***Desert tortoise education program***—A desert tortoise education program shall be presented to all personnel on site during construction activities by an agency or authorized desert tortoise biologist. The Service, BLM, and appropriate state agencies shall approve the program. At a minimum, the program shall cover desert-specific Leave-No-Trace guidelines, the distribution of desert tortoises, general behavior and ecology of this species, sensitivity to human activities, threats including introduction of exotic plants and animals, legal protection (the definition of “take” will also be explained), penalties for violation of State and Federal laws, reporting requirements, and project measures in this biological opinion. All field workers shall be instructed that activities must be confined to locations within the approved areas and their obligation to walk around and check underneath and vehicles and equipment before moving them (or be cleared by an authorized desert tortoise biologist). Workers and project associates will be encouraged to carpool to and from the project sites. In addition, the program shall include fire prevention measures to be implemented by employees during project activities. The program shall instruct participants to report all observations of desert tortoise and their sign during construction activities to the FCR and authorized desert tortoise biologist.
- 1.f. ***Vehicle travel***— Project personnel shall exercise vigilance when commuting to the project area to minimize risk for inadvertent injury or mortality of all wildlife species encountered on paved and unpaved roads leading to and from the project site. Speed limits will be clearly marked, and all workers will be made aware of these limits. On-site, personnel shall carpool to the greatest extent possible. During the desert tortoise less-active season (generally November through February), vehicle speed on project-related access roads and in the work area will not exceed 25 mph. All vehicles and construction equipment will be tightly grouped.  
During the more-active season (generally March through October), and if temperatures are above 60 but below 95 °F for more than 7 consecutive days, vehicle speed on project-related access roads and in the work area will not exceed 15 mph. All vehicles and construction equipment will operate in groups of no more than three vehicles.  
New access and spur road locations will be sited to avoid potentially active tortoise burrows to the maximum extent practicable.
- 1.g. ***Unauthorized access***—BLM shall ensure that unauthorized personnel, including the public and off-duty project personnel, do not travel on project-related temporary access roads, to the greatest extent practicable.  
During the more-active season (generally March through October), and if temperatures are above 60 but below 95 °F for more than 7 consecutive days, project- and non-project-related activities on all access roads that intersect the ROW will be monitored and logged. During construction, the ROW will be fenced at public roads that intersect the ROW. Signs will say that access on the ROW is strictly prohibited except by authorized personnel and that violators will be prosecuted.

**1.h. *Desert tortoise clearance—required for this project.***

Prior to surface-disturbing activities, authorized desert tortoise biologists potentially assisted by desert tortoise monitors, shall conduct a clearance survey to locate and remove all desert tortoises from harm's way including areas to be disturbed using techniques that provide full coverage of all areas (Service 2009). During the more-active season, clearance surveys will be conducted either the day prior to, or the day of, any surface-disturbing activity. During the less-active season, clearance surveys will be conducted within 7 days prior to any surface-disturbing activity. No surface-disturbing activities shall begin until two consecutive surveys yield no individuals.

An authorized biologist shall excavate all burrows that have characteristics of potentially containing desert tortoises in the area to be disturbed with the goal of locating and removing all desert tortoises and desert tortoise eggs. During clearance surveys, all handling of desert tortoises and their eggs and excavation of burrows shall be conducted solely by an authorized desert tortoise biologist in accordance with the most current Service-approved guidance (currently Service 2009). If any tortoise active nests are encountered, the Service must be contacted immediately, prior to removal of any tortoises or eggs from those burrows, to determine the most appropriate course of action. Unoccupied burrows shall be collapsed or blocked to prevent desert tortoise entry. Outside construction work areas, all potential desert tortoise burrows and pallets within 50 ft of the edge of the construction work area shall be flagged. If the burrow is occupied by a desert tortoise during the less-active season, the tortoise shall be temporarily penned (see Term and Condition 1.k.). No stakes or flagging shall be placed on the berm or in the opening of a desert tortoise burrow. Desert tortoise burrows shall not be marked in a manner that facilitates poaching. Avoidance flagging shall be designed to be easily distinguished from access route or other flagging, and shall be designed in consultation with experienced construction personnel and authorized biologists. All flagging shall be removed following construction activities.

An authorized desert tortoise biologist will inspect areas to be backfilled immediately prior to backfilling.

- 1.i. *Desert tortoise in harm's way*—Any project-related activity that may endanger a desert tortoise shall cease if a desert tortoise is found on the project site. Project activities may resume after an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.d.) removes the desert tortoise from danger or after the desert tortoise has moved to a safe area on its own.

During the more-active season and if temperatures are above 60 but below 95 °F for more than 7 consecutive days, at least 1 monitor shall be assigned to observe spoil piles prior to excavation and covering.

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- 1.j. *Handling of desert tortoises*—Desert tortoises shall only be moved by an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.d.) solely for the purpose of moving the tortoises out of harm's way. During construction, operation, and maintenance, an authorized desert tortoise biologist shall pen, capture, handle, and relocate desert tortoises from harm's way as appropriate and in accordance with the most current Service-approved guidance. No tortoise shall be handled by more than one person. Each tortoise handled will be given a unique number, photographed, and the biologist will record all relevant data on the Desert Tortoise Handling and Take Report (Appendix E) to be provided to BLM in accordance with the project reporting requirements.

Desert tortoises that occur aboveground and need to be moved from harm's way shall be placed in the shade of a shrub, 150 to 1,640 ft from the point of encounter. In situations where desert tortoises must be moved more than 1,640 ft (500 m), translocation procedures may be required. Translocation would likely result in a level of effect to the desert tortoise that would require the appended procedures.

If desert tortoises need to be moved at a time of day when ambient temperatures could harm them (less than 40 ° F or greater than 95° F), they shall be held overnight in a clean cardboard box. These desert tortoises shall be kept in the care of an authorized biologist under appropriate controlled temperatures and released the following day when temperatures are favorable. All cardboard boxes shall be discarded after one use and never hold more than one tortoise. If any tortoise active nests are encountered, the Service must be contacted immediately, prior to removal of any tortoises or eggs from those burrows, to determine the most appropriate course of action.

Desert tortoises located in the project area sheltering in a burrow during the less-active season may be temporarily penned in accordance with Term and Condition 1.k. at the discretion of an authorized desert tortoise biologist. Desert tortoises should not be penned in areas of moderate to heavy public use, rather they should be moved from harm's way in accordance with the most current Service-approved guidance (currently Service 2009).

Desert tortoises shall be handled in accordance with the Desert Tortoise Field Manual (Service 2009). Equipment or materials that contact desert tortoises (including shirts and pants) shall be sterilized, disposed of, or changed before contacting another tortoise to prevent the spread of disease. All tortoises shall be handled using disposable surgical gloves and the gloves shall be disposed of after handling each tortoise. An authorized desert tortoise biologist shall document each tortoise handling by completing the Desert Tortoise Handling and Take Report (Appendix E).

- 1.k. *Penning*—Not required for this project.  
1.l. *Temporary tortoise-proof fencing*— Not required for this project.

- 1.m. **Permanent tortoise-proof fencing**— 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 Table 15 below.

Tortoise-proof fencing shall be installed around the boundary of permanent aboveground facilities that require regular monitoring and maintenance and other areas as directed by the BLM or Service. Fence specifications will be consistent with those approved by the Service (Service 2009). Tortoise guards shall be placed at all road access points where desert tortoise-proof fencing is interrupted, to exclude desert tortoises from the facility. **Gates shall provide minimal ground clearance and deter ingress by desert tortoises.** Permanent tortoise-proof fencing along the project area shall be appropriately constructed, monitored, and maintained. Fencing shall be inspected in accordance with Table 15 and reports prepared in accordance with Term and Condition 7.c. unless modified by the Service.

Monitoring and maintenance shall include regular removal of trash and sediment accumulation and restoration of zero ground clearance between the ground and the bottom of the fence, including re-covering the bent portion of the fence if not buried.

Table 15. Desert tortoise fence inspection requirements

Condition	Minimum Requirements
First week following fence installation; tortoises active	Inspect fence perimeter, tortoise guards, and gates twice per day, timed to occur when tortoises may be pacing the fenceline.
First week following fence installation; tortoises inactive	Inspect fence perimeter, tortoise guards, and gates once per day.
Beginning the second week following fence construction, tortoises active	Inspect fence perimeter, tortoise guards, and gates once per day.
Beginning the second week following fence construction, tortoises inactive	Inspect fence perimeter, tortoise guards, and gates once per month.
Following major storm event, tortoises active	Inspect fence perimeter, tortoise guards, and gates within 48 hours.
Following major storm event, tortoises inactive	Inspect fence perimeter, tortoise guards, and gates within 72 hours.
Breach in fence observed, tortoise guard or gate requires maintenance, tortoises active	Repair within 48 hours of breach occurrence.
Breach in fence observed, tortoise guard or gate requires maintenance, tortoises inactive	Repair within 1 week of breach occurrence.

- 1.n. **Wildlife escape ramps**— Not required for this project. See measure 8.d. for trenches.
- 1.o. **Dust control**—Water applied to for dust control shall not be allowed to pool outside desert-tortoise fenced areas, as this can attract desert tortoises.

Similarly, leaks on water trucks and water tanks will be repaired to prevent pooling water. An authorized desert tortoise biologist will be assigned to patrol each area being watered immediately after the water is applied and at approximate 60-minute intervals until the ground is no longer wet enough to attract tortoises if conditions favor tortoise activity.

- 1.p. *Blasting*— Not applicable for the proposed action.
- 1.q. *Power transmission projects*—Transmission line support structures and other facility structures shall be designed to discourage their use by raptors for perching or nesting (*e.g.*, by use of anti-perching devices) in accordance with the most current Avian Power Line Interaction Committee guidelines (see terms and conditions 2.b and 2.c.).
- 1.r. *Timing of construction*—The BLM shall ensure that when possible, the project proponent schedules and conducts construction, operation, and maintenance activities within desert tortoise habitat during the less-active season (generally October 31 to March 1) and during periods of reduced desert tortoise activity (typically when ambient temperatures are less than 60 or greater than 95 °F). All vehicles and equipment that are not in areas enclosed by desert tortoise exclusion fencing will stop activities in desert tortoise habitat during rainfall events in the more-active season (generally March 1 to October 31), and if temperatures are above 60 but below 95 °F for more than 7 consecutive days. The Field Contact Representative (FCR) or designee will determine, in coordination with the BLM and Service, when it is appropriate for project activities to continue.

**RPM 2:** **Predator Control— Applies to all actions.** *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize injury to desert tortoises as a result of predators drawn to the project area from construction, operation, and minor maintenance activities:*

Terms and Conditions:

- 2.a. *Litter control, applies to all projects*—A litter control program shall be implemented to reduce the attractiveness of the area to opportunistic predators such as desert kit foxes, coyotes, and common ravens. Trash and food items will be disposed of properly in predator-proof containers with predator-proof lids. Trash containers will be emptied and construction waste will be removed daily from the project area and disposed of in an approved landfill. Vehicles hauling trash to the landfill or transfer facility must be secured to prevent litter from blowing out along the road.
- 2.b. *Deterrence*—The project proponent will implement measures to discourage the presence of predators on site (coyotes, ravens, etc.), including elimination of available water sources, designing structures to discourage potential nest sites, and use of hazing to discourage raven presence.
- 2.c. *Monitoring and predator control*— Projects that may create nest sites for ravens: The project proponent will monitor for the increased presence of ravens and other potential human-subsidized predators in the vicinity of the project area.

A qualified biologist (not necessarily an authorized desert tortoise biologist) shall conduct monthly nest surveys of potential nest sites (*e.g.*, power transmission towers/poles) during the raven breeding season (generally February 1 to April 30) and document the presence of all nests and the species using them. During these monthly surveys, an authorized biologist will also document any sign of predation of desert tortoises below the nest and in the vicinity of the transmission line. If sign of predation is found under a nest, control measures will be implemented in coordination with the Service. The frequency of these nest surveys may be modified as agreed upon by BLM and the Service.

- 2.d. *Evaporation ponds and open water sources*—Not applicable for the proposed action.

**RPM 3: Impacts to Desert Tortoise Habitat—Applies towards all actions that involve habitat impacts.** *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize loss and long-term degradation and fragmentation of desert tortoise habitat, such as soil compaction, erosion, crushed vegetation, and introduction of weeds or contaminants from construction, operation, and minor maintenance activities:*

Terms and Conditions:

- 3.a. *Habitat protection plans*— BLM shall ensure that the applicants develop and implement an approved fire prevention and response plan, erosion control plan, and a weed management plan approved by BLM prior to surface disturbance.
- 3.b. *Restoration plan*— BLM shall ensure that the applicant develop and implement a restoration/reclamation plan. The plan will describe objectives and methods to be used, species of native plants and/or seed mixture to be used, time of planting, success standards, actions to take if restoration efforts fail to achieve the success standards, and follow-up monitoring. The plan will be prepared and approved prior to the surface disturbance phase of the project. Reclamation will be addressed on a case-by-case basis.
- 3.c. *Minimizing new disturbance*—Cross-country travel outside designated areas shall be prohibited. All equipment, vehicles, and construction materials shall be restricted to the designated areas and new disturbance will be restricted to the minimum necessary to complete the task (*e.g.*, such as construction of one-lane access roads with passing turnouts every mile rather than a wider two-lane road). All work area boundaries shall be conspicuously staked, flagged, or otherwise marked to minimize surface disturbance activities.
- 3.d. *Weed prevention*—Vehicles and equipment shall be cleaned with a high pressure washer prior to arrival in desert tortoise habitat and prior to departure from areas of known invasive weed and nonnative grass infestations to prevent or at least minimize the introduction or spread these species.
- 3.e. *Chemical spills*—Hazardous and toxic materials such as fuels, solvents, lubricants, and acids used during construction will be controlled to prevent accidental spills.

Any leak or accidental release of hazardous and toxic materials will be stopped immediately and cleaned up at the time of occurrence. Contaminated soils will be removed and disposed at an approved landfill site.

- 3.f. ***Residual impacts from disturbance***— As proposed, this project will disturb 19 acres of desert tortoise habitat. For disturbance of critical habitat on BLM lands, the fee would be assessed at the rate of \$836.00 per acre of disturbance. If paid prior to March 1, 2015, the total fees due will be \$15,884. This rate is subject to change as described in the term and conditions, if fees are paid after March 1, 2015.

BLM shall collect remuneration fees to offset residual impacts to desert tortoises from project-related disturbance to desert tortoise habitat.

Remuneration fees will be used for management actions expected to promote recovery of the desert tortoise over time, including management and recovery of desert tortoise in Nevada. Actions may involve habitat acquisition, population or habitat enhancement, increasing knowledge of the species' biological requirements, reducing loss of individual animals, documenting the species status and trend, and preserving distinct population attributes. Fees will be used to fund the highest priority recovery actions for desert tortoises in Nevada

The current rate is \$836 per ac of disturbance, as indexed for inflation, effective March 1, 2014. The next adjustment will become effective March 1, 2015. The fee rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31st of each year, becoming effective March 1st. Fees assessed or collected for projects covered under this biological opinion will be adjusted based on the current CPI-U for the year they are collected. Information on the CPI-U can be found on the internet at: <http://stats.bls.gov/news.release/cpi.nws.htm>.

- RMP 7: Compliance and Reporting**—Applies towards all actions. *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to comply with the reasonable and prudent measures, terms and conditions, reporting requirements, and reinitiation requirements contained in this biological opinion:*

Terms and Conditions:

- 7.a. ***Desert tortoise deaths***—The deaths and injuries of desert tortoises shall be investigated as thoroughly as possible to determine the cause. The Service (702/515-5230), BLM wildlife staff (702/515-5000) and appropriate state wildlife agency must be verbally informed immediately and within 5 business days in writing (electronic mail is sufficient). The Authorized Desert Tortoise Biologist shall complete the Desert Tortoise Handling and Take Report (Appendix E).
- 7.b. ***Non-compliance***—Any incident occurring during project activities that was considered by the FCR, authorized desert tortoise biologist, or biological monitor to be in non-compliance with this biological opinion shall be immediately documented by an authorized desert tortoise biologist. Documentation shall include photos, GPS coordinates, and details on the circumstances of the event.

The incident will be included in the annual report and post-project report.

- 7.c. **Fence inspection**— **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.**

Quarterly reports (January-March, April-June, July-September, and October – December) for monitoring and repair of tortoise-proof fencing as specified in Table 15, shall be submitted to the Service's Nevada Fish and Wildlife Office in Las Vegas. Reports are due within the first 30 days following each quarter (e.g., the report for quarter January-March is due April 30).

- 7.d. **Project reporting requirements**— **Project proponents will provide BLM with compliance reports.** Quarter (non-appended actions), annual, and comprehensive final project reports will be submitted to BLM and the Service's Nevada Fish and Wildlife Office in Las Vegas. Annual reports are required for all appended actions (except those completed and provided in a prior annual report). Annual reports will cover the calendar year and are due April 1<sup>st</sup> of the following year (e.g., the annual report for calendar year 2013 is due April 1, 2014). Quarterly reports for non-appended actions are due 15 calendar days following the quarter. Final project reports are due within 60 days following completion of the project or each phase of the project.

The Programmatic Biological Opinion Report to the Fish and Wildlife Service (Appendix G) will be used for quarterly, annual, and final project reports, and shall include all Desert Tortoise Handling and Take Reports (Appendix E). If available, GIS shape files will be included.

- 7.e. **Operation and maintenance**—**A written assessment report shall be submitted annually to the Service outlining the operation and maintenance activities that occurred over the past year.**

Report to include: It will include frequency of implementation of minimization measures, biological observations, general success of each of the minimization measures. All deaths, injuries, and illnesses of endangered or threatened species within the project area, whether associated with project activities or not, will be summarized in the annual report. The report is due April 1 of each year.

- 7.f. **Restoration monitoring**—Not required for this project.

**8: Minimization Measures**

- 8.a. **The project applicant shall notify BLM wildlife staff at 702-515-5000 at least 10 days before initiation of the project.** Notification shall occur before any activities begin that will damage or remove vegetation, such as off-road vehicle travel for surveys, soil testing, and clearing vegetation off the project site. The purpose of the notification is to ensure that the proper education program is given and to review expectations for compliance with the terms and conditions of the biological opinion.

- 8.b. Overnight parking and storage of equipment and materials, including stockpiling, shall be in previously disturbed areas or areas cleared by a tortoise biologist. If not possible, areas for overnight parking and storage of equipment shall be designated by the tortoise biologist in coordination with BLM and project proponent, which will minimize habitat disturbance.
- 8.c. Within desert tortoise habitat, any construction pipe, culvert, or similar structure with a diameter greater than 3 inches stored less than 8 inches above the ground will be inspected for tortoises before the material is moved, buried, or capped.
- 8.d. Trenches: All trenches and holes will be covered, fenced or backfilled to ensure desert tortoises do not become trapped unless alternate measures are in place as agreed by BLM and the Service. If trenches or holes are to remain open during construction, they will be checked for tortoises at least four times a day, at the start of day, at mid-morning, early afternoon, and at the end of the work day. The trenches or holes will also be checked immediately before backfilling regardless of the season. Any tortoise that is found in a trench or excavation shall be promptly removed by an authorized desert tortoise biologist in accordance with the most current Service-approved guidance. If the authorized desert tortoise biologist is not allowed to enter the trench for safety reasons, the alternative method of removal must have prior approval by the Service.
- 8.e. **Ravens and other avian tortoise predators:** All towers and poles will be fitted with "bird-be-gone" or other perch deterrent devices to minimize the potential for increased predation from aerial predators following construction.
- 8.f. **Vehicles:** All project/event-related individuals shall check underneath stationary vehicles before moving them. Tortoises often take cover under vehicles. All vehicle use will be restricted to existing roads. New access roads will be created only when absolutely necessary and only when approved by BLM. Workers shall not drive or park vehicles where catalytic converters can ignite dry vegetation and to exhibit care when smoking in natural areas. Fire protective mats or shields shall be used during grinding or welding.

Vehicles will comply with the posted speed limit. A Speed limit of 25 MPH shall be required on unposted county road and unpaved road and trails used to access the project site.

On-site personnel shall carpool to the greatest extent possible.

#### **Minimization Measures to Minimize Threat of Nonnative Plants**

- 8.g. Rehabilitate, reclaim, or revegetate areas subjected to surface-disturbing activities where feasible. Habitat will be reclaimed so that pre-disturbance conditions can be reached within a reasonable time frame.

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Reclamation may include salvage and transplant of cacti and yucca, recontouring the area, scarification of compacted soil, soil amendments, seeding, vertical mulch, and transplant of seedling shrubs. If necessary subsequent seeding or transplanting efforts may be required, should monitoring indicate that the original effort was not successful.

- 8.h. Complete a Weed Risk Assessment for the proposed project prior to construction activities. This document will address the presence of any weeds; the potential for weeds within the project area to be spread to non-infested areas within the project area; the potential for introducing weeds into the project area via vehicles, equipment, fill material, and water brought in from an outside source; and minimization to reduce the potential for spreading weeds.
- 8.i. If off-site fill material is used, survey the site where the fill source comes from for noxious plants. Only fill from non-contaminated sites shall be used.
- 8.j. Certify that all plant material including animal feed and material used for erosion control (straw, etc.) is weed-free.
- 8.k. Clean all equipment of weed and grass seeds, stems, stalks, etc., prior to arrival and release from the project site. The washdown will concentrate on the undercarriage, with special emphasis on axles, crossmembers, motor mounts, and on and underneath steps, running boards and front bumper/bushguard assemblies.
- 8.l. Should there be concentrated areas of noxious weeds within the project area, additional spraying of equipment may be required to prevent the contamination of uninfested areas.
- 8.m. Wash sites will be mapped for future monitoring of weed infestations.
- 8.n. Mechanized treatments will not be conducted on slopes greater than 30 percent to minimize erosion.
- 8.o. Treatments that compact and disturb the soil to the degree that runoff and erosion would be increased should be ripped and properly drained.
- 8.p. Untreated islands of natural vegetation would be left to minimize negative impacts of the natural community.
- 8.q. When herbicide use is approved by BLM and the Service, applicant will follow information and guidelines provided on label and pesticide use permit.

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## APPENDIX E. DESERT TORTOISE HANDLING AND TAKE REPORT

If a desert tortoise is killed or injured, immediately contact the U.S. Fish and Wildlife Service and BLM, by phone at the numbers below and complete Section 1 of the form.

Completed forms should be submitted to the BLM and Fish and Wildlife Service:

Bureau of Land Management  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
702-515-5000

U.S. Fish and Wildlife Service  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
702-515-5230

Project Name: NV Energy Harry Allen Switchyard Expansion Project NEPA No.: DOI-BLM-NV-S010-2014-0148-CX Case File No./SRP: N-74510 BLM Section 7 log no.: NV-052-14-220	Report Date:
Fish and Wildlife Service Append File No.: n/a	
Authorized Desert Tortoise Biologist: _____ Employed by: _____	
<b>Section 1: Complete all information below if a desert tortoise is injured or killed in addition to initial contact described above.</b>	
If tortoise was injured <input type="checkbox"/> or killed <input type="checkbox"/> (check appropriate box):	
Date and time found: _____ Found by: _____ GPS location (NAD 83): easting: _____ northing: _____ No. of photos taken: _____ Disposition: _____	
Attach report with photos that describe in detail, the circumstances and potential cause of injury or mortality. For injuries include name of veterinarian and detailed assessment of injuries.	

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**Section 2: Complete all information below for each desert tortoise handled.**

All instances of desert tortoise handling must be reported in this section and be included in the quarterly, annual, and final project reports.

Desert tortoise number: \_\_\_\_\_

Date and time found: \_\_\_\_\_ Sex of tortoise: \_\_\_\_\_

Air temperature when found: \_\_\_\_\_ Air temperature when released: \_\_\_\_\_

Tortoise activity when found: \_\_\_\_\_

Handled by: \_\_\_\_\_ Approx. carapace length \_\_\_\_\_

GPS location (NAD 83) found: easting: \_\_\_\_\_ northing: \_\_\_\_\_

GPS location released: easting: \_\_\_\_\_ northing: \_\_\_\_\_

Approximate distance moved: \_\_\_\_\_

Did tortoise void bladder; if so state approximate volume and actions taken:

\_\_\_\_\_

Post handling or movement monitoring and observations:

\_\_\_\_\_

**Section 3: Complete for each tortoise burrow penned.**

All instances of desert tortoise penning must be reported in this section and be included in the quarterly, annual, and final project reports.

Date and time of pen construction:

Began: \_\_\_\_\_ Completed: \_\_\_\_\_

Date and time pen removed: \_\_\_\_\_

Pen constructed by: \_\_\_\_\_

Why was tortoise penned? \_\_\_\_\_

How frequently was pen monitored? \_\_\_\_\_

Observations of desert tortoise behavior including time and date of observation:

\_\_\_\_\_

Include photos of pen and burrow with report.

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**APPENDIX F. SECTION 7 FEE PAYMENT FORM**

**SECTION 7 LAND DISTURBANCE FEE PAYMENT FORM**

**Biological Opinion File Number:** 84320-2010-F-0365.R002

**Biological Opinion Issued By:** Nevada Fish and Wildlife Office, Las Vegas, Nevada

**Species:** Mojave Desert Tortoise (*Gopherus agassizii*)  
**Project Name:** NV Energy Harry Allen Switchyard Expansion Project  
**NEPA #:** DOI-BLM-NV-S010-2014-0148-CX  
**Case File/Serial #:** N-74510  
**BLM Sec 7 log #:** NV-052-14-220  
**Project Proponent:** NV Energy  
**Phone Number:** \_\_\_\_\_

	Clark County		County		County	
	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat
# acres anticipated to be disturbed on federal land		19				
Fee rate (per acre)		\$836				
<b>Total cost/habitat type (per county)</b>	<b>0</b>	<b>\$15,884</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Total cost per county</b>	<b>\$15,884</b>		<b>\$ -</b>		<b>\$ -</b>	

**Total payment required (all counties):** **\$ 15,884**  
**Amount paid:** \$15,884      **Date:** 1/16/2015      **Check/Money Order #:** 1000305241

**Authorizing agencies:** Bureau of Land Management, Las Vegas, Nevada  
**Make check payable to:** Bureau of Land Management

**Deliver check to:** **Physical Address**  
 Bureau of Land Management  
 Attn: Information Access Ctr  
 1340 Financial Blvd.  
 Reno, NV 89502

**Credit Card Payments:** Contact BLM State Office Public room at 775-861-6500  
 For BLM Public Room

**Process check to:**  
 Contributed Funds-All Other  
 WBS: LVTFXX000800  
 7122 FLPMA  
 All other Res. Dev. Project and Management  
 Remarks: LLNV934000 L71220000.JP0000 LVTFXX000800 Desert Tortoise Conservation Program

Please provide a copy of this completed payment form and the payment receipt to NV-930, Attn: T&E Program Lead  
**\*\*T&E Program Lead will provide a copy to the appropriate District Office(s)**

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**APPENDIX G. PROGRAMMATIC BIOLOGICAL OPINION (FILE NO. 84320-2010-F-0365.R002) REPORT TO THE FISH AND WILDLIFE SERVICE**

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The information below should be completed by BLM or the Authorized Desert Tortoise Biologist for the project/action. Reports for all appended actions are required annually (due March 1 of each year for prior calendar year activities) and upon completion of the project/action.

Project Name: NV Energy Harry Allen Switchyard Expansion Project  
NEPA no.: DOI-BLM-NV-S010-2014-0148-CX

Case File no./SRP N-74510  
BLM Section 7 log no.: NV-052-14-220

Annual Report                       Project Completion Report

1. Date: \_\_\_\_\_

2. Fish and Wildlife Service File No (for appended actions): \_\_\_\_\_ n/a

3. Species and critical habitat affected:

Desert tortoise                       Desert tortoise critical habitat

Other (identify): \_\_\_\_\_

4. Project/action status:

Not begun     In progress\*     Completed    date \_\_\_\_\_

If in progress, state approximate percent complete: \_\_\_\_\_

5. Desert tortoise habitat disturbed:

Non-critical habitat		Critical habitat	
Proposed disturbance (ac)	Actual disturbance (ac)	Proposed disturbance (ac)	Actual disturbance (ac)
19			

6. Habitat of other species disturbed (identify species, non-critical, and critical habitat affected below):

7. Summary of individual desert tortoises taken (appended action):

	Desert Tortoise:		
	Adults	Juveniles	Eggs
Exempted			
Actual			

Describe other individuals taken:


8. Name of authorized desert tortoise biologists and monitors on the project and the dates they were on the project.

9. Describe all non-compliance issues and events.

10. Desert tortoise burrow observed during activity/event:

Total number desert tortoises observed: _____
Total number desert tortoises burrows observed: _____
Attach a summary report detailing each desert tortoise and/or desert tortoise burrows observed during activity/event including tortoise activity when found, how the animal was avoided, what happened to the tortoise, the date and time encountered and GPS location (NAD 83 easting: _____ northing: _____)

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11. Contact Information

Name \_\_\_\_\_ Company \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Send completed form to:  
Bureau of Land Management  
Attn: Wildlife Staff  
4701 North Torrey Pines Drive  
Las Vegas, Nevada 89130  
702-515-5000

U.S. Fish and Wildlife Service  
4701 North Torrey Pines Drive  
Las Vegas, NV 89130

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Harry Allen Substation Expansion Project

Harry Allen  
500KV Substation

Harry Allen  
Generation Facility

Harry Allen  
345/99KV  
Substation

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Total Expansion Acreage: 30 acres  
19 acres new disturbance (green)  
11 acres existing disturbance/development (pink)

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