Contact Filer Regarding Image Clarity

STATE OF NEVADA
PUBLIC UTILITIES COMMISSION OF NEVADA
9075 W. Diablo Drive
Suite 250
Las Vegas, Nevada 89148-7674

LV02439

RECEIPT

RECEIVED FROM: Date 2/3/16

Bullen Law, LLC
9101 W Sahara Ave Ste 105-LLo
Las Vegas, NV 89117-5772

AMOUNT: $ 200.00

two hundred dollars AND zero /100 DOLLARS

How Paid:	Cash	Check	Money Order	Draft
		1055		

Type of Receipt	Filing Fee	TDD	Copy Service	RAIL	Mill Assessment	Other
	X					

Account	Paid in Full	On Account
	X	

Amount of Account	$ 200.	00
Account Paid	$ 200.	00
Balance Due	$ ϕ	

MEMO
New Filing

Received by Tasyia Wynant

hand delivered

(NSPO Rev. 5-11) (O) 5265

BULLEN LAW, LLC
9101 W. Sahara Ave., Ste. 105-L6
Las Vegas, NV 89117

Linda M. Bullen
702-279-4040
linda@bullenlaw.com

February 3, 2016

Ms. Trisha Osborne
Assistant Commission Secretary
Public Utilities Commission of Nevada
9075 W. Diablo Drive, Suite 250
Las Vegas, Nevada 89148

Re: Application of Boulder Solar Power, LLC For A Permit To Construct A Temporary Water Pipeline Under The Utility Environmental Protection Act And Request For Expedited Treatment

Dear Ms. Osborne:

Enclosed for filing please find the Application of Boulder Solar Power, LLC For A Permit To Construct A Utility Facility Pursuant To The Utility Environmental Protection Act And Request For Expedited Treatment. The documents comprising the application are:

1. Application For A Permit To Construct A Utility Facility Pursuant To The Utility Environmental Protection Act And Request for Expedited Treatment;

2. Exhibits A through I including the required Public Notice and Proof of Publication (Exhibit G) and Proof of Service (Exhibit H).

3. A PUCN draft notice; and

4. A check for $200.00 for the filing fee.

If you have any questions about this filing, please do not hesitate to contact me directly at (702)-279-4040.

Best Regards,

Linda M. Bullen
Bullen Law, LLC
Attorney for Boulder Solar Power, LLC

PUBLIC UTILITIES COMMISSION OF NEVADA
DRAFT NOTICE
(Applications, Tariff Filings, Complaints, and Petitions)

Pursuant to Nevada Administrative Code ("NAC") 703.162, the Commission requires that a draft notice be included with all applications, tariff filings, complaints and petitions. Please complete and include **ONE COPY** of this form with your filing. (Completion of this form may require the use of more than one page.)

A title that generally describes the relief requested (see NAC 703.160(4)(a)):

Application Of Boulder Solar Power, LLC For A Permit To Construct A Temporary Water Pipeline Pursuant To The Utility Environmental Protection Act And Request For Expedited Treatment

The name of the applicant, complainant, petitioner or the name of the agent for the applicant, complainant or petitioner (see NAC 703.160(4)(b)):

The applicant is Boulder Solar Power, LLC ("Boulder Solar").
Linda M. Bullen of Bullen Law, LLC is legal counsel for the applicant.

A brief description of the purpose of the filing or proceeding, including, without limitation, a clear and concise introductory statement that summarizes the relief requested or the type of proceeding scheduled **AND** the effect of the relief or proceeding upon consumers (see NAC 703.160(4)(c)):

Pursuant to the Application, Boulder Solar respectfully requests that the Public Utilities Commission of Nevada grant to Boulder Solar a permit to construct an approximately 11.3 mile water pipeline in Boulder City, approximately 25 miles southeast of Las Vegas in Clark County, Nevada (the "Proposed Facility").

An environmental review of the Proposed Facility was conducted and an Environmental Statement prepared following that review. The Proposed Facility will have no effect on consumers.

A statement indicating whether a consumer session is required to be held pursuant to Nevada Revised Statute ("NRS") 704.069(1)[1]:

A consumer session is not required.

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.

The draft notice does not pertain to a tariff filing.

---

[1] NRS 704.069 states in pertinent part:

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.

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

IN THE MATTER OF:

Application of Boulder Solar Power, LLC For a Permit to Construct a Temporary Water Pipeline Pursuant to the Utility Environmental Protection Act And Request For Expedited Treatment	)))))	Docket No. 16-_____

APPLICATION OF BOULDER SOLAR POWER, LLC FOR A PERMIT TO CONSTRUCT A TEMPORARY WATER PIPELINE PURSUANT TO THE UTILITY ENVIRONMENTAL PROTECTION ACT AND REQUEST FOR EXPEDITED TREATMENT

TABLE OF CONTENTS

LIST OF EXHIBITS

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

IN THE MATTER OF:

Application of Boulder Solar Power, LLC For a Permit to Construct a Temporary Water Pipeline Pursuant to the Utility Environmental Protection Act And Request For Expedited Treatment	)))))	Docket No. 16-_____

APPLICATION OF BOULDER SOLAR POWER, LLC FOR PERMIT TO CONSTRUCT A TEMPORARY WATER PIPELINE PURSUANT TO THE UTILITY ENVIRONMENTALPROTECTION ACT AND REQUEST FOR EXPEDITED TREATMENT

Boulder Solar Power, LLC ("BSP") hereby files with the Public Utilities Commission of Nevada ("Commission") an Application ("Application") for a Permit to Construct a temporary water pipeline from Boulder City's ("City") Wastewater Treatment Plant ("WWTP") to the Boulder Solar Project[1] site located in Boulder City, Nevada (the "Project"), pursuant to the Utility Environmental Protection Act ("UEPA"), set forth in Nevada Revised Statutes ("NRS") 704.820 to 704.900 and Nevada Administrative Code ("NAC") 703.415 to 703.427. BSP provides the following information in support of its Application.

I. INTRODUCTION

To support construction activities at Boulder Solar Project site, BSP is proposing to construct an approximately 11.3 mile temporary water pipeline from the City's WWTP to the solar generation site for transmission of potable water to be used for dust control during construction (the "Proposed Project"). It is anticipated that the pipeline will be used for approximately 24 months. Due to its temporary nature, the pipeline will generally remain exposed on the existing ground surface and be staked/weighted at regular intervals along the alignment.

[1] The UEPA permit for Boulder Solar Project's photovoltaic solar electric generating facility is the subject of Commission Docket No. 12-05037.

The pipeline will originate with a connection at Boulder City's domestic water supply system on the northeastern side of the WWTP and will extend overland southward on Boulder City property. The pipeline will remain on Boulder City owned-property[2] with the exception of a crossing of the I-11 Bypass, where it will parallel U.S. 95 within the Nevada Department of Transportation ("NDOT") right-of-way ("ROW") at approximately NDOT STA 1892+00 between the edge of the roadway and the fence line. It will cross under U.S. 95 within an existing reinforced concrete box culvert near NDOT STA 1707+64 and will again parallel U.S. 95 until it reaches the project entrance where it will follow the project access road until it is discharged into the temporary, lined construction pond located adjacent to the construction staging area. The total length of the pipeline will be approximately 60,000 linear feet (11.3 miles).

Construction of the pipeline will commence as soon as all necessary permits and approvals are obtained, in order for the pipeline to be completed in time to support construction of BSP's solar field, which is scheduled to commence late in the first quarter of 2016. Accordingly, BSP requests that this Application be given expedited treatment.

II. INFORMATION REGARDING THE APPLICANT

1. BSP is a wholly owned subsidiary of SunPower Corporation, a company incorporated under the laws of the State of Delaware.

2. BSP was formed for the purpose of developing, owning and operating utility-scale solar generating facilities in the Western United States, including southern Nevada.

3. BSP's principal place of business, mailing address and telephone number are:

Boulder Solar Power, LLC
1414 Harbour Way South, Ste. 1901
Richmond, CA 94804

[2] A small segment of the pipeline crosses a transmission corridor over which the BLM asserts an easement interest. Because this area was analyzed in the Environmental Assessment for the Boulder City Solar Project, the BLM is not requiring additional environmental review associated with the Proposed Project.

510-260-8200

4. All correspondence related to this Initial Application (copy of all pleadings, notices, orders and discovery requests) should be sent to:

Linda M. Bullen
Bullen Law, LLC
9101 W. Sahara Ave., Ste. 105-L6
Las Vegas, Nevada 89117
linda@bullenlaw.com

III. RESPONSES TO REQUIRED DISCLOSURES

The information required by NAC 703.421, and as applicable, NAC 703.423, is provided in the following sections, to the extent that such information is currently available.

DESCRIPTION OF LOCATION

1. A description of the location of the proposed utility facility as required by subsection 1 of NRS 703.870 including:

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

The Project is located in the City of Boulder City which is located in Clark County, approximately 25 miles southeast of Las Vegas. *See* Exhibit A. The Project originates at Boulder City's WWTP, and terminates at the Boulder Solar Project site within the Boulder City Energy Zone. *See* Exhibit B.

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

A detailed description of the Project is attached as Exhibit C.

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

See Exhibit D.

DESCRIPTION OF THE PROPOSED FACILITY

2. A description of the proposed utility facility, including:

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

The Project is a temporary water pipeline, 10-inches in diameter, approximately 11.3 miles in length. It will transmit construction water from the Boulder City WWTP to the Boulder Solar Project site.

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

No significant impacts to natural resources are anticipated from construction or operation of the Project. The natural resources anticipated for construction and operation include:

- Water for dust suppression during construction and operation
- Concrete
- Sand

4. Layout diagrams of the structures at the proposed utility facility and its associated equipment. (NAC 703.423(2)(c))

See Exhibit E.

5. Scaled diagrams of the structures at the proposed utility facility. (NAC 703.423(2)(d))

See Exhibit D.

6. A statement concerning whether the proposed utility facility is an electric generating plant or the associated facilities of an electric generating plant that uses renewable energy as its primary source of energy to generate electricity.

The Project is an associated facility of an electric generating plant that uses renewable energy as its primary source of energy to generate electricity.

SUMMARY OF ENVIRONMENTAL IMPACT STUDIES

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

See Exhibit F.

DESCRIPTION OF ALTERNATE LOCATIONS

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

The purpose of the Project is to transmit water from the City's WWTP to the Boulder Solar Project site. The proposed location is the most direct route to serve this purpose and provides the fewest conflicts from environmental and land use perspectives. Given the purpose of the proposed Project and its temporary nature, no reasonable alternatives to the proposed routing of the Project exist.

PROOF OF PUBLIC NOTICE

9. A copy of the public notice of the application or amended application and proof of the publication of the public notice, as required by Subsection 4 of NRS 704.870. (NAC 703.423(5))

See Exhibit G.

PROOF OF SUBMITTAL TO THE NEVADA STATE CLEARINGHOUSE

10. Proof that a copy of the application or amended application has been submitted to the Nevada State Clearinghouse within the Department of Administration to enable agency review and comment. (NAC 703.423(6))

See Exhibit H.

PROBABLE EFFECT ON ENVIRONMENT

11. An explanation of the nature of the probable effect on the environment including:

(a) A reference to any studies described in Subsection 3, if applicable (NAC 703.423(7)(a); and

Provided that recommended mitigation measures are implemented during the construction and operations of this Project, there will be no significant impact to the natural environment and no significant effects to the human environment as a result of this Project. The recommended mitigation and monitoring are described in the Environmental Statement, in Exhibit F.

(b) An environmental statement that includes:

(1) The name, qualifications, professions, and contact information of each person with primary responsibility for the preparation of the environmental statement; (NAC 703.423(7)(b)(i)

See Exhibit F, Section 4.

(2) The name, qualifications, professions, and contact information of each person who has provided comments or input in the preparation of the environmental statement; (NAC 703.723(7)(b)(2))

See Exhibit F, Section 4.

(3) A bibliography of materials used in the preparation of the environmental statement; (NAC 703.423(7)(b)(3)) and

See Exhibit F, Section 5.

(4) A description of: (NAC 703.723(7)(b)(4))

(I) The environmental characteristics of the project area existing at the time the application or amended application is filed with the Commission;

See Exhibit F, Section 3.

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

See Exhibit F, Section 3.

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

See Exhibit F, Section 3.

NEED TO ENSURE RELIABLE SERVICE

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

(a) If the proposed utility facility was approved in a resource plan or an amendment to a resource plan, a reference to the previous approval by the Commission; (NAC 703.423(8)(a)) or

Not applicable.

(b) If the proposed utility facility was not approved in a resource plan or an amendment to a resource plan, a reference to the previous approval by the Commission; (NAC 703.423(8)(b))

Not applicable.

(1) Provide utility service to customers in this state; (NAC 703.423(8)(b)(1))

The Project will support the construction of a solar facility which is expected to generate electrical energy and reduce the emissions of carbon dioxide (CO_2), a greenhouse gas, by displacing the use of electrical energy from natural gas and coal burning power plants.

(2) Enhance the reliability of utility service in this state; (NAC 703.423(8)(b)(2)) and

The Project will assist the State of Nevada in developing renewable resources of energy and displacing conventional power generation by supporting the construction of a solar electric generating facility which is designed to meet the State's increasing demand for clean, renewable electrical power.

(3) Achieve interstate benefits by the proposed construction or modification of transmission facility in this state, if applicable (NAC 703.423(8)(b)(3)).

Not applicable.

NEED VERSUS ENVIRONMENTAL EFFECT

13. An explanation of how the need for the proposed utility facility as described in Subsection 8 balances any adverse effects on the environment as described in Subsection 7. (NAC 703.423(9))

Provided that the recommended mitigation measures are implemented, the Project will result in no significant impact to the natural environment and no significant

MINIMUM ADVERSE IMPACT ON THE ENVIRONMENT

14. An explanation of how the proposed utility facility represents the minimum adverse effect on the environment, including: (NAC 703.423(10))

(a) The state of available technology; (NAC 703.423(10)(a))

The Project will use the latest and best available materials for the intended purpose of water transmission and through implementation of identified mitigation measures, the Project will represent the minimum adverse effect on the environment.

(b) The nature of various alternatives; (NAC 703.423(10)(b))

. Given the purpose of the proposed Project and its temporary nature, no reasonable alternatives to the proposed routing of the Project exist. However, through implementation of identified mitigation measures, the Project will represent the minimum adverse effect on the environment.

(c) The economics of various alternatives. (NAC 703.423(10)(c))

. Given the purpose of the proposed Project and its temporary nature, no reasonable alternatives to the proposed routing of the Project exist. However, the Project, as proposed, represents the most economical alternative with the least adverse effect on the environment.

AGENCY APPROVAL LIST AND DESCRIPTION OF REQUIRED PERMITS

15. An 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. The explanation must include a list that indicates: (NAC 703.423(11))

(a) All permits, licenses, and approvals the applicant has obtained, including copies thereof; (NAC 703.423(11)(a)) and

See Exhibit I.

(b) All permits, licenses and approvals the applicant is in the process of obtaining to commence construction of the proposed utility facility. The applicant must provide an estimated timelines for obtaining these permits, licenses, and approvals. (NAC 703.423(11)(b))

See Exhibit I.

SERVING THE PUBLIC INTEREST

16. An explanation of how the proposed utility facility will serve the public interest, including: (NAC 703.423(12))

(a) The economic benefits that the proposed utility facility will bring to the applicant and this state; (NAC 703.423(12)(a))

The economic benefits of the proposed Project will support the construction of a utility-scale renewable energy facility which will provide up to 120 construction jobs, 2 permanent jobs, tax revenue and enhancement of infrastructure.

(b) The nature of the probable effect on the environment in this state if the proposed utility facility is constructed; (NAC 703.423(12)(b))

The people of Nevada will benefit from improved air quality due to a reduction in greenhouse gas emissions by displacement of electrical energy produced by natural gas and coal-burning power plants, increased reliability and sustainability of electrical energy.

(c) The nature of the probable effect on the public health, safety, and welfare of the residents of this state if the proposed utility facility is constructed (NAC 703.423(12)(c)); and

The people of the State will benefit from improved air quality due to a reduction in greenhouse gas emissions by displacement of electrical energy produced by natural gas and coal-burning power plants, increased reliability, and sustainability of electrical energy.

(d) The interstate benefits expected to be achieved by the proposed electric transmission facility in this state, if applicable. (NAC 703.423(12)(d))

Not applicable.

IV. CONCLUSION AND REQUEST FOR RELIEF

Based on this Application BSP respectfully requests that the Commission proceed in the manner required by law and, in accordance with NAC 703.535(d), issue an order that:

1. Grants a Permit to Construct the Project, as described herein;

2. Grants such conditions and modifications that may allow for the issuance of the UEPA permit to construct or a compliance order with the condition that BSP may file any outstanding required permits, licenses or approvals with the Commission prior to commencing construction of the Proposed Facility pursuant to NRS 704.890;

3. Grants such deviations from the Commission's regulations as may be in the public interest; and

4. Grants BSP such other and further relief as the Commission may find reasonable and appropriate under the circumstances.

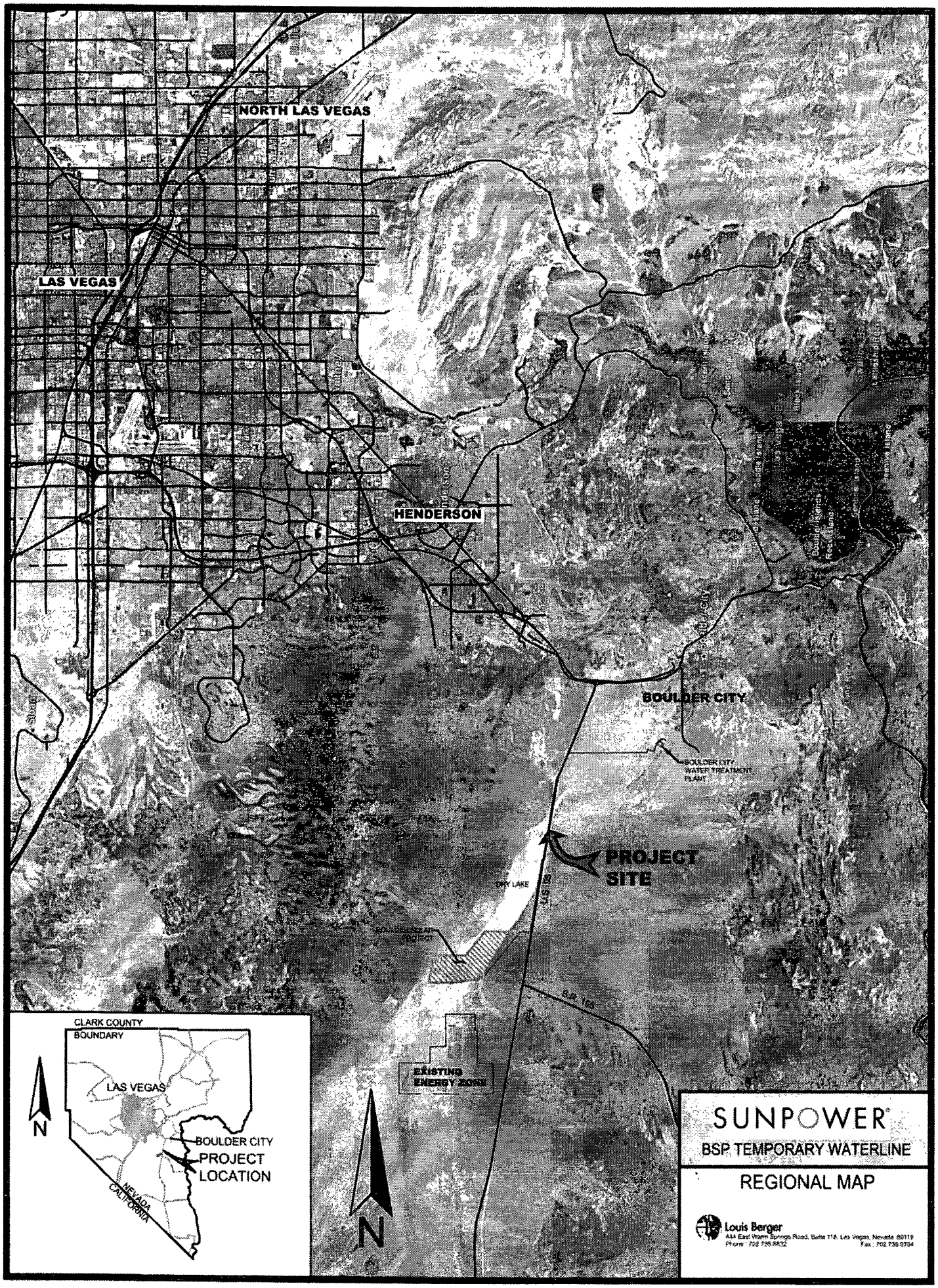
Respectfully submitted: February 3, 2016.

BOULDER SOLAR POWER, LLC

By: Linda M. Bullen

Linda M. Bullen
Bullen Law, LLC
9101 W. Sahara Ave., Ste. 105-L6
Las Vegas, NV 89117
702-279-4040
linda@bullenlaw.com

EXHIBIT A



SUNPOWER®

BSP TEMPORARY WATERLINE

REGIONAL MAP

Louis Berger
444 East Warm Springs Road, Suite 118, Las Vegas, Nevada 89119
Phone: 702.736.8832 Fax: 702.736.0704

EXHIBIT B

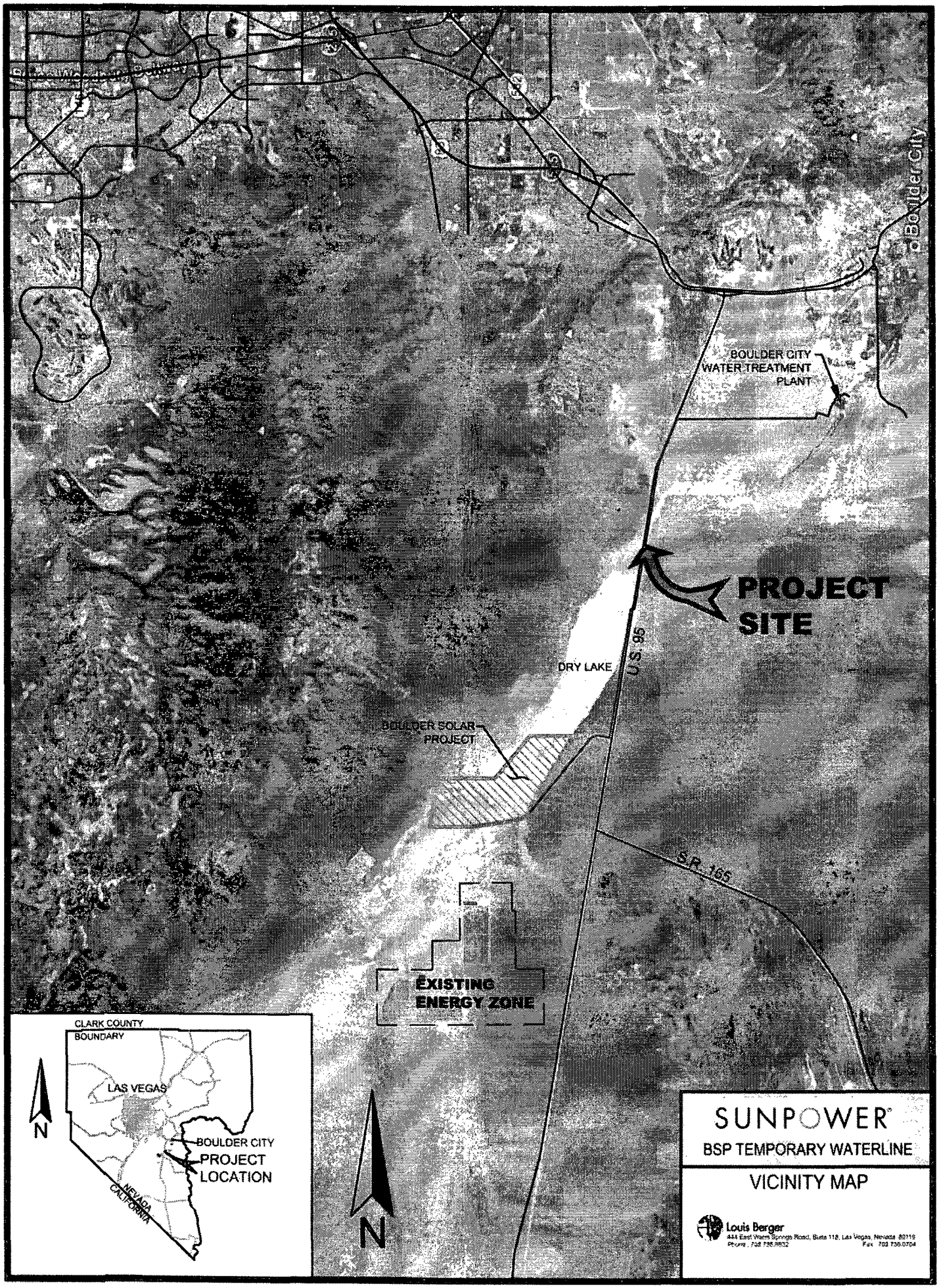

Boulder City
BOULDER CITY WATER TREATMENT PLANT
PROJECT SITE
DRY LAKE
U.S. 95
BOULDER SOLAR PROJECT
S.R. 165
EXISTING ENERGY ZONE
CLARK COUNTY BOUNDARY
LAS VEGAS
BOULDER CITY
PROJECT LOCATION
NEVADA
CALIFORNIA
N
N
SUNPOWER
BSP TEMPORARY WATERLINE
VICINITY MAP
Louis Berger
444 East Warm Springs Road, Suite 118, Las Vegas, Nevada 89119
Phone: 702.736.9832
Fax: 702.736.0704

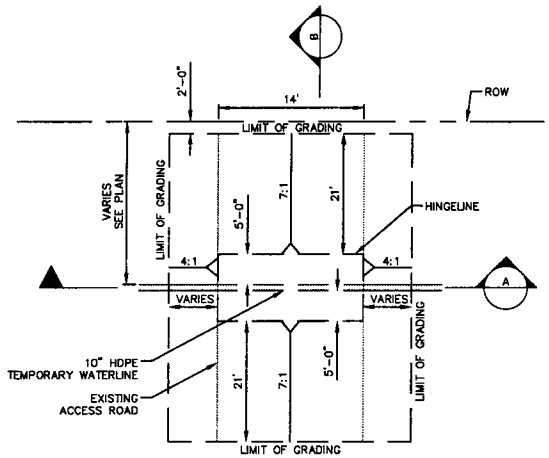
EXHIBIT C

DETAILED DESCRIPTION OF LOCATION OF PROPOSED TEMPORARY WATER PIPELINE

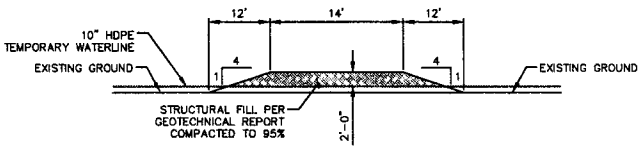
The Boulder Solar electric generation facility is located in the Boulder City Energy Zone. The primary entrance to the generation facility is on Highway 95 (NDOT STA 1584+00), approximately one and one half (1.5) miles north of the intersection of Highway 95 and Nevada 165 and approximately seven (7) miles south of the intersection of U.S. 95 and the future U.S. 93 Bypass.

The temporary water pipeline will connect with Boulder City's domestic water supply system on the northeastern side of Boulder City's Waste Water Treatment Plant ("WWTP"). The tap connection will transition from the existing 3" connection to a HDPE water pipeline approximately 10" in diameter equipped with a gate valve and double backflow preventer assembly. The 10" HDPE water pipeline will extend overland southward on Boulder City property from the City's WWTP, paralleling the wastewater treatment service road (Quail Dr.), for approximately 2,100 feet to within approximately 20 feet of the northern parcel boundary of the Western Area Power Authority ("Western") Parcel #186-30-000-001. At this location, the temporary water pipeline will turn east and parallel the Western Parcels #186-30-000-001, 188-25-000-001, 189-24-000-001, and 189-23-801-001 for approximately 15,550 feet (2.9 miles). Within this 2.9 mile section, the 10" HDPE water pipeline will remain on Boulder City owned property with the exception of it crossing the U.S. 93 Bypass, which is currently under construction. Once the water pipeline reaches the U.S. 95 right-of-way ("ROW") at approximately NDOT STA 1892+00, it will turn south and will parallel U.S. 95 within the NDOT ROW between the edge of roadway and the fence line, which generally follows the ROW boundary. At NDOT STA 1707+64, pipeline will cross under U.S. 95 within an existing 10' x 4' reinforced concrete box culvert. Once under U.S. 95, the pipeline will again turn south and parallel U.S. 95 ROW within the western roadside area until it reaches the project entrance. Approximately 31,200 feet (5.9 miles) of the pipeline will be within the U.S. 95 ROW. After leaving the NDOT ROW, the pipeline will then follow the project access road for approximately 13,150 feet (2.5 miles) where it will discharge into the temporary lined construction pond located adjacent to the construction staging area at STA 67+00 of the project access road. The overall length of the pipeline will be approximately 60,000 feet (11.3 miles).

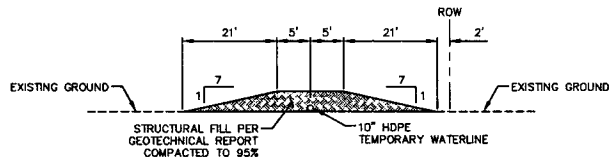
EXHIBIT D



PLAN

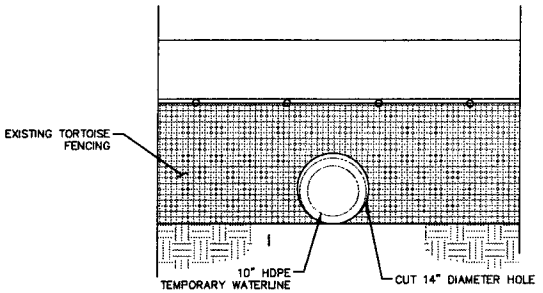


SECTION A

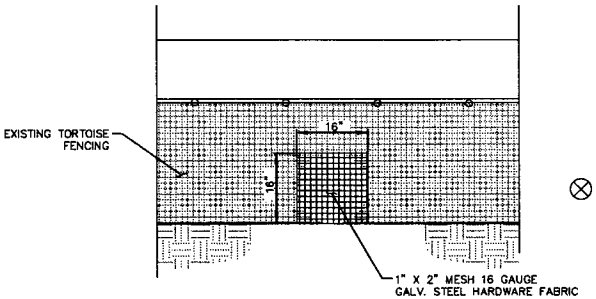


SECTION B

A CX15 VEHICLE CROSSING
NTS



FENCE CUT
NTS



FENCE PATCH
NTS

B CX15 FENCE PENETRATION
NTS

PERMIT SET – NOT FOR CONSTRUCTION

SUNPOWER

BOULDER SOLAR POWER
BOULDER CITY, NV 89005, USA

ENGINEER'S STAMP

BOULDER SOLAR PROJECT, LLC
BOULDER CITY, NV, USA

TEMPORARY WATERLINE CONSTRUCTION PLAN

REV	DESIGN #	DESCRIPTION	DATE	DR	CH

OPPORTUNITY	
PROJECT	2004883
DATE DRAWN	01/20/2016
DRAWN BY	FME

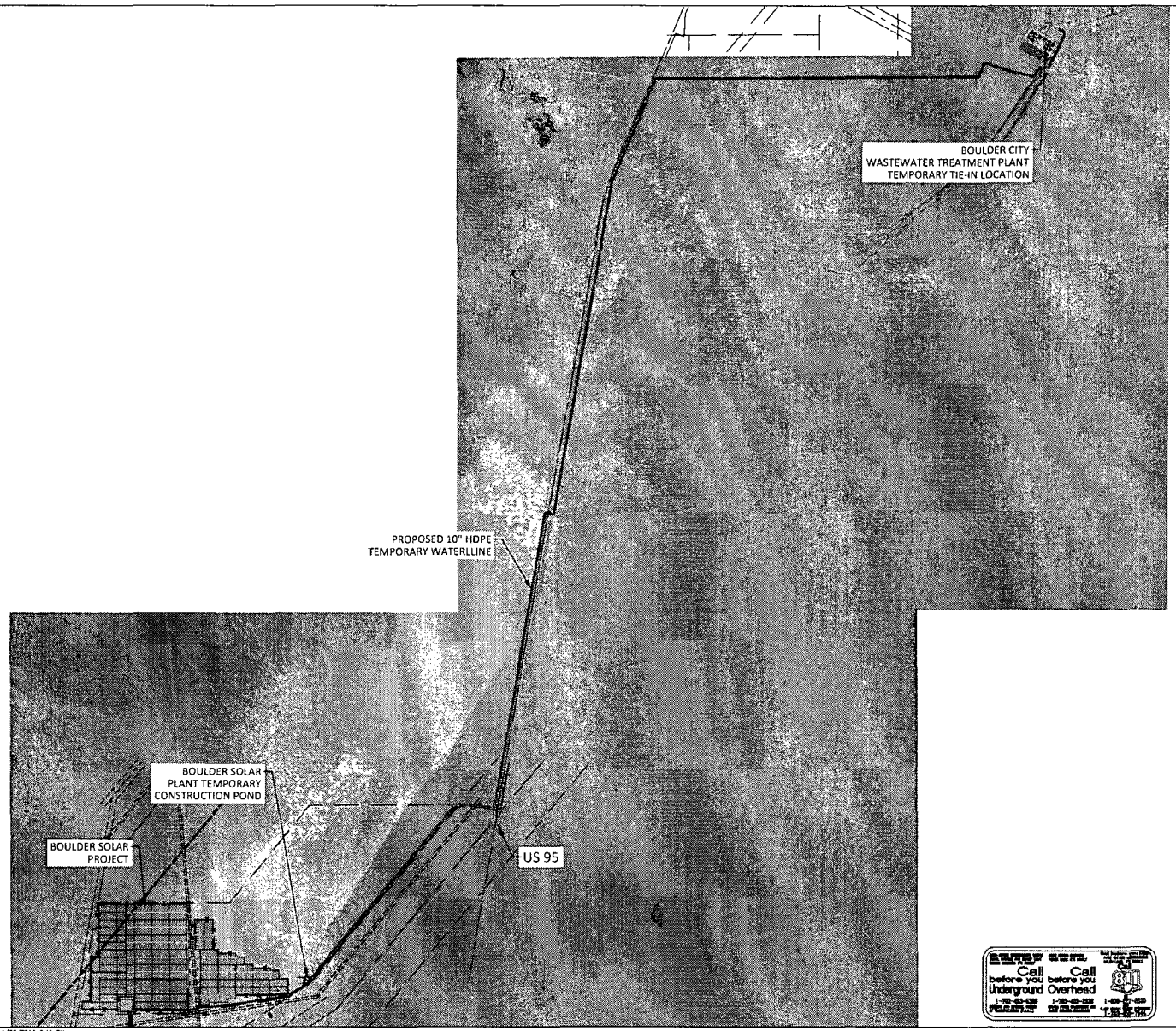
0 ½" 1"

IF BAR IS NOT ONE-HALF INCH, DRAWING IS NOT TO SCALE

SHEET
CX15

Louis Berger
444 East Warm Springs Road, Suite 118, Las Vegas, Nevada 89119
Phone : 702.730.6632 Fax : 702.736.0704

EXHIBIT E



Call before you Underground

Call before you Overhead

811

N

2000 1000 0 2000 4000

GRAPHIC SCALE

Louis Berger
500 Amigo Court, Suite 100 . Las Vegas, Nevada 89119
Phone . 702 736 8632 Fax 702 736 0704

2004685_CX01.DWG

1/22/2016 2:42 PM

SUNPOWER

BOULDER SOLAR POWER
BOULDER CITY, NV 89005, USA

ENGINEER'S STAMP

BOULDER SOLAR PROJECT, LLC

BOULDER CITY, NV, USA

OVERALL EXHIBIT

REVISIONS

REV	DESIGN #	DESCRIPTION	DATE	DB	CB

OPPORTUNITY	
PROJECT	2004685
DATE DRAWN	8/21/2015
DRAWN BY	FME

0 X" X"

IF BAR IS NOT 2000-HOLE REAL DRAWING IS NOT TO SCALE

SHEET

EX1

EXHIBIT F

Environmental Statement

For Boulder Solar Project Temporary Water Line

February 2, 2016

Prepared for:

SUNPOWER™

1414 Harbour Way South
Richmond, CA 94804

Prepared by:

NewFields

300 South 4th Street, 3rd Floor
Las Vegas, NV 89101

Contents

Figures

Tables

Acronyms and Abbreviations

BLM	Bureau of Land Management
BSP	Boulder Solar Power, LLC
CCAQ	Clark County Department of Air Quality
ESA	Endangered Species Act
HDPE	High-density polyethylene
MSHCP	Multiple Species Habitat Conservation Plan
MSL	Mean sea level
NAAQS	National Ambient Air Quality Standards
NAC	Nevada Administrative Code
NDEP	Nevada Division of Environmental Protection
NHRP	National Historic Register of Places
NDOT	Nevada Department of Transportation
NDOW	Nevada Department of Wildlife
OHV	Off-highway vehicle
$PM_{2.5}$	Particulate matter with a diameter of 2.5 micrometers
PM_{10}	Particulate matter with a diameter of 10 micrometers
PUCN	Public Utilities Commission of Nevada
ROW	Right-of-way
RTC	Regional Transportation Commission
SHPO	State Historic Preservation Office
UEPA	Utility Environmental Protection Act
US 95	U.S. Highway 95
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
WAPA	Western Area Power Administration
WEAP	Worker's Environmental Awareness Program
WWTP	Wastewater treatment plan

1.0 INTRODUCTION

This chapter provides a brief general description of the proposed project and its purpose and need. It also summarizes the project location, the federal, state, and local reviews, regulatory approvals, and permits likely to be required.

1.1 Project Description

Boulder Solar Power, LLC (BSP), owned by SUNPOWER® (SunPower), is seeking a Utility Environmental Protection Act (UEPA) Permit from the Public Utilities Commission of Nevada (PUCN) to construct, operate, and remove a 10-inch, 11.3-mile temporary water line to supply water for the construction of the Boulder Solar Power Project.

1.2 Purpose and Need

To support construction activities at the BSP site in Boulder City, Nevada, BSP proposes to construct a temporary domestic water line from the temporary construction pond at the project site to Boulder City's (City) Wastewater Treatment Plant (WWTP) (Figure 1-1). Due to its temporary nature, it is planned for the proposed water line, once constructed, to generally remain exposed on the existing ground surface and staked/weighted at regular intervals along the alignment.

The BSP generation facility is located on a 1,550-acre site that has an entrance near Boulder City. The proposed entrance road to the 1,550-acre site is on U.S. Highway 95 (Nevada Department of Transportation [NDOT] STA 1584+00) (US 95), a location approximately 1.5 miles north of the intersection of US 95 and Nevada 165, and approximately 7 miles south along US 95 from its intersection with US 93 By-Pass when completed in the future.

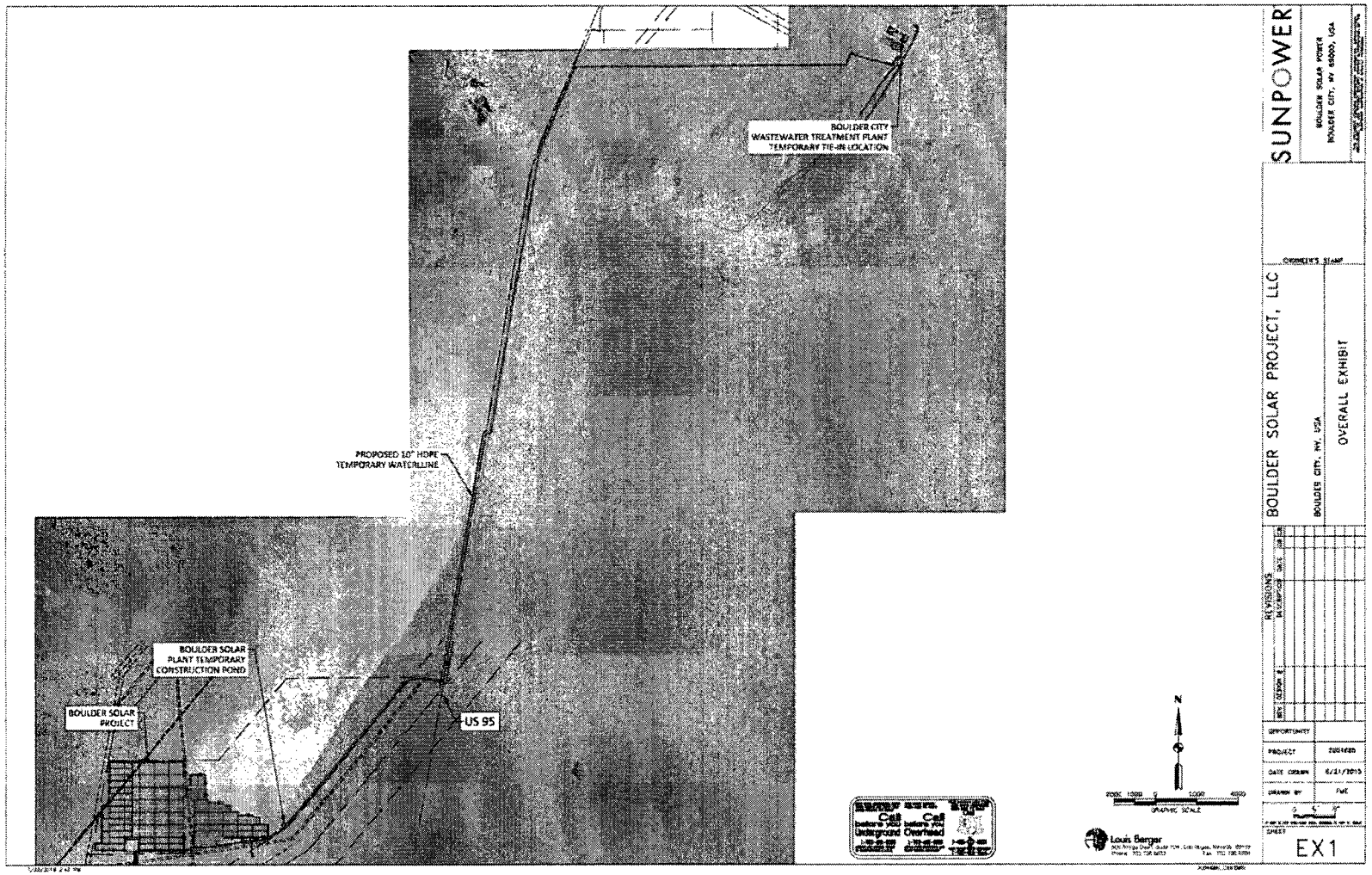


Figure 1-1. Boulder Solar Power's Proposed Temporary Waterline Route

1.3 Project Location and Land Ownership.

The total length of the estimated 10-inch high-density polyethylene (HDPE) water line will be approximately 60,000 linear feet (11.3 miles) within Boulder City's limits in the Eldorado Valley, Clark County, Nevada. Table 1-1 lists the townships, ranges, and sections that would contain the water line. The water line would primarily extend through land owned by the City, the NDOT US 95 corridor, and the NDOT I-11 Bypass corridor. Approximately 0.3 mile of the temporary water line would extend through the Bureau of Land Management (BLM) utility corridor, which is the only federal land within the project area.

Table 1-1. Location of the Water Line

Township/Range	Sections
T23S, R64E	19, 20, 24
T23S, R63E	23, 26, 35
T24S, R63E	7, 14, 35

1.4 Authorizing Actions

The primary approval required for this project would be issued by the PUCN. The PUCN will review the project in accordance with UEPA guidelines. Should the project be approved, the PUCN would issue a Permit to Construct.

An evaluation of the potential suite of required environmental and regulatory approvals was completed. It was determined these are typical and well understood for projects of this nature in southern Nevada. Table 1-2 lists relevant federal, state, and local regulatory permits and approvals that may be required, as well as their anticipated completion date.

Table 1-2. Regulatory Permits that May Be Required, Regulatory Agency, and Completion Date

Permit Type/Name	Issuing Agency	Completion Date
Endangered Species Act (ESA) Compliance	U.S. Fish and Wildlife Service (USFWS)	October 27, 2015
National Historic Preservation Act Compliance	State Historic Preservation Office (SHPO)	April 12, 2013 Updated June 4, 2015
Encroachment Permit	NDOT	August 2016 Amendment February 2016*
Right-of-Way (ROW) Grant	BLM	October 27, 2016
UEPA Permit	PUCN	February 2016*
Dust Control	Clark County	October 2015

Table 1-2. Regulatory Permits that May Be Required, Regulatory Agency, and Completion Date

Permit Type/Name	Issuing Agency	Completion Date
	Department of Air Quality (CCDAQ)	Amendment February 2016*
Boulder City Building Permit	City of Boulder City	February 2016*

* Anticipated

2.0 Detailed Project Description and Location

This chapter describes the detailed of proposed project including construction, operation, and decommissioning.

2.1 Project Details

As noted previously, the temporary water line will use a connection with Boulder City's domestic water supply system on the northeastern side of the WWTP (Figure 2-1).

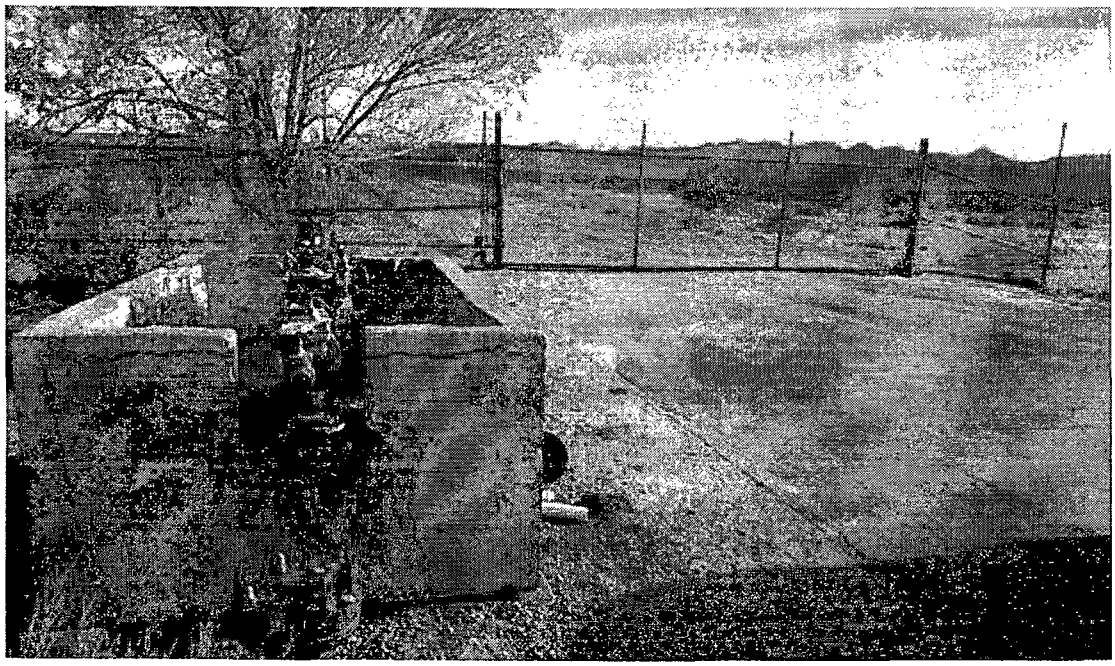


Figure 2-1. Proposed Connection Location at Boulder City WWTP

The tap connection will be transition from the existing 3-inch connection to an approximately 10-inch HDPE water line equipped with a gate valve and double backflow preventer assembly. The water line will extend overland southward on Boulder City property from the City's WWTP for approximately 2,100 feet to within approximately 20 feet of the northern parcel boundary of the Western Area Power Authority (WAPA) Parcel #186-30-000-001. At this location, the temporary water line will turn west and parallel the WAPA Parcels #186-30-000-001, 188-25-000-001, 189-24-000-001, and 189-23-801-001 for approximately 15,550 feet (2.9 miles). Within this 2.9-mile section, the approximately 10-inch HDPE water line will remain on Boulder City-owned property with the exception of it crossing the I-11 Bypass, which is currently under construction. Boulder Solar Power (BSP) will be coordinating with Regional Transportation Commission (RTC), RTC's Contractor constructing the new highway, and NDOT to develop a solution to cross the active construction area. This solution will most likely consist of the approximately 10-inch HDPE pipe sleeved inside a buried larger pipe. Once the water line reaches the US 95 ROW at approximately NDOT STA 1892+00, the water line will turn south and will parallel US 95 within the NDOT ROW between the edge of roadway and the fence line, which generally follows the

ROW boundary. At NDOT STA 1707+64, the approximately 10-inch HDPE water line will cross under US 95 within the existing 10-foot by 4-foot reinforced concrete box culvert. The approximately 10-inch HDPE water line will be secured into corner of the reinforced concrete box culvert structure. Once under US 95 the approximately 10-inch HDPE water line will again turn south and parallel US 95 ROW within the western roadside area until it reaches the project entrance. The total length of the approximately 10-inch HDPE water line within the US 95 ROW will be approximately 31,200 feet (5.9 miles). The approximately 10-inch HDPE water line will then follow the project access road for approximately 13,150 feet (2.5 miles) where it will discharge into the temporary lined construction pond located adjacent to the construction staging area at STA 67+00 of the project access road.

The total length of the approximately 10-inch HDPE water line will be approximately 60,000 linear feet (11.3 miles). The proposed temporary water line would provide water for dust control and other construction activities for a period of approximately 24 months.

2.2 Construction, Operation, and Decommissioning

The following sections discuss the construction methods and schedule; operation and maintenance activities and schedules; and decommissioning methods and schedule.

2.2.1 Construction Methods

The HDPE pipe (40-foot lengths) will be butt-welded using heat fusion jointing methods and placed on the existing grade. Butt-fusion jointing is a thermofusion process that involves the simultaneous heating of the pipe ends which are to be joined with a heat plate until a melt state is attained on each end. The two ends are then brought together under controlled pressure for a specific cooling time. The resultant joint is resistant to end thrust and has comparable performance under pressure to the pipe. The fusion welding machine is typically electrically powered by a portable generator. The pipe is cut using gas powered handheld equipment (i.e., a cut-off saw). The installation crew will typically consist of a 3 to 4 person labor crew that will be cutting and squaring the pipe ends and butt-welding the pipe segments using the fusion welding machine. Pipe segments will need to be transported from material storage/stockpile areas to the work location using a front end loader or a four-wheel drive/rough terrain forklift. Crew production rates to weld and place the pipe as indicated is typically 1,000 linear feet per 8-hour crew day. Overall construction duration will depend on the number of crews utilized.

Ground disturbance for the pipe installation will be limited because the pipe will be laid on the existing surface grades. Cumulative ground disturbances for the water line installation are expected to be less than 5 acres for the total installation, with exception of the portion through the I-11 Bypass corridor, and will consist of temporary disturbances to facilitate equipment access during construction and its ultimate removal. The water line installation through the I-11 Bypass area will most likely require a steel larger-diameter pipe to be installed with the HDPE water line placed inside the steel casing. The section of pipe will either be placed on-grade and then subsequently covered with fill material or it will be open cut excavation and backfilled. This "sleeved" area is within the existing limit of disturbance associated with the I-11 Bypass construction and will not increase any anticipated regional soil disturbance impacts. As indicated, final construction details will be coordinated with RTC and their subcontractors.

Construction access along the east-west alignment within the Boulder City easement area will be from the existing unpaved access road. Clearing of existing vegetation will be minor as the pipe will be placed to avoid the vegetation to the greatest extent possible. Minor disturbance along the unpaved road will be necessary to create equipment "pull-off" areas for temporary staging and storage of construction materials.

Several air release valves will be constructed within the approximately 10-inch HDPE water line at high points along the alignment. Gate valves will be installed at several locations along the alignment to provide a way to isolate a pie segment should there be a need for maintenance or repair. Sandbags and stakes will be utilized to mark the alignment as well as limit the movement of the piping. For the installation of the temporary water line along US 95, the pipe alignment will be accessed from the shoulder area of US 95. Existing unpaved access roads and trails will be used to access the portion of the water line in the Boulder City easement between US 95 and the City's WWTP.

2.2.2 Construction Schedule

Construction would begin after obtaining all relevant permits and procuring water line equipment. It is anticipated that construction of the waterline would begin in first quarter of 2016 and continue for approximately 4 weeks.

2.2.3 Operation

The water line will pump 500,000-1,420,000 gallons of water per day to the solar facility site. Water will be used for construction activities, primarily dust control.

During its operation, routine inspections of the temporary water line should occur to observe the pipe condition, verify there have been no significant shifts in its alignment, or identify any problem locations where leaks may be developing. Should a leak occur, pressure at the downstream side of the water line will be impacted and will provide an indication that an issue requiring immediate action has occurred.

2.2.4 Operation Schedule

It is anticipated that the water line would provide water to the BSP site for approximately 24 months.

2.2.5 Decommissioning

Once the temporary water line is no longer needed to support SunPower's construction activities, the pipe will be removed. The removal process will consist of cutting the pipe using handheld cut-off saws and then loading the pipe onto trucks for re-use or recycling. A front end loader or rough terrain forklift will be needed to move and load the pipe sections from the work area. Removal will be completed more rapidly than the installation, but will depend on the proximity of loading areas and the rate of the pipe loading process.

2.2.6 Decommissioning Schedule

It is anticipated that it will take 4 weeks to remove and dispose of the waterline.

3.0 Existing Environment, Environmental Consequences, and Mitigation Measures

This is the heart of the document and describes the existing environment at and near the water line. It also details the potential environmental consequences of the proposed project and mitigation measures designed to reduce, minimize, or avoid impacts such they are reduced to an acceptable level.

3.1 Air Quality

The following sections describe the existing air quality in the project area; potential project-related impacts to air quality; and mitigation measures to reduce project-related impacts to air quality.

3.1.1 Existing Environment

For the analysis, air quality is characterized by the existing concentrations of various pollutants and those conditions that influence the quality of the ambient air surrounding the proposed project. The primary factors that determine the air quality of the region are the locations of air pollution sources, the type and magnitude of pollutant emissions, and the local meteorological conditions. This analysis takes into account these factors and provides a reliable and conservative prediction of the air impacts that would occur during construction and operation of the proposed project. The Federal Clean Air Act and subsequent amendments have provided the authority and framework for U.S. Environmental Protection Agency (USEPA) regulation of air emission sources. The USEPA regulations serve to establish requirements for the monitoring, control, and documentation of activities that affect ambient concentrations of certain pollutants that may endanger public health or welfare.

Table 3-1. State and Federal Ambient Standards for Criteria Air Pollutants

Pollutant	Averaging Period	Federal Primary Standard	Nevada State Standard
Ozone	8-hour	0.070 ppm	Same as federal
	1-hour (daily max.)	0.12 ppm	Same as federal
Particulate matter with diameter of 2.5 micrometers ($PM_{2.5}$)	Annual (arithmetic mean)	15.0 $\mu g/m^3$	Same as federal
	24-hour	35 $\mu g/m^3$	Same as federal
Particulate matter with diameter of 10 micrometers (PM_{10})	Annual (arithmetic mean)	NA	Same as federal
	24-hour	150 $\mu g/m^3$	Same as federal
Carbon Monoxide	8-hour (less than 5,000 feet above mean sea level (MSL)	9 ppm	Same as federal
	8-hour (greater than 5,000 feet above MSL	9 ppm	6 ppm
	1-hour	35 ppm	Same as federal

Table 3-1. State and Federal Ambient Standards for Criteria Air Pollutants

Pollutant	Averaging Period	Federal Primary Standard	Nevada State Standard
Nitrogen Dioxide	Annual (arithmetic mean)	0.053 ppm	Same as federal
	1-hour	0.100 ppm	Same as federal
Sulfur Dioxide	Annual (arithmetic mean)	0.03 ppm	Same as federal
	24-hour	0.14 ppm	Same as federal
	3-hour	N/A	0.50 ppm
Lead	Rolling 3-month average	0.15 $\mu g/m^3$	Same as federal
	Quarterly average	1.5 $\mu g/m^3$	Same as federal

Sources: USEPA 2012; Nevada Division of Environmental Protection (NDEP) 2014
ppm = parts per million
$\mu g/m^3$ = micrograms per cubic meter

Geographic areas are designated as attainment, non-attainment, or unclassified for each of the National Ambient Air Quality Standards (NAAQS) six criteria pollutants. If sufficient monitoring data are available and air quality is shown to meet the NAAQS, the USEPA may designate an area as an attainment area. Areas in which air pollutant concentrations exceed the NAAQS are designated as non-attainment for specific pollutants and averaging times. Typically, non-attainment areas are urban regions and/or areas with higher-density industrial development. Because an area's status is designated separately for each criteria pollutant, one geographic area may have more than one classification.

Currently, Clark County meets the $PM_{2.5}$, nitrogen dioxide, and carbon monoxide NAAQS, and is unclassifiable for lead and sulfur dioxide. The County is developing a maintenance plan for PM_{10}. Clark County was re-designated to attainment for carbon monoxide in 2010 (Federal Register Vol. 75, No. 145, July 29, 2010), was re-designated to attainment for PM_{10} in 2010 (Federal Register Vol. 75, No. 148, August 3, 2010), and was re-designated to attainment for ozone in 2011 (Federal Register Vol. 76, No. 60, March 29, 2011).

Sources of criteria pollutants in the vicinity of the project area include the Nevada Solar One (concentrated solar technology) power plant, the Eldorado Energy power plant and associated helipad, windblown dust, fugitive dust from off-road vehicle use, and emissions and fugitive dust from vehicles traveling on Eldorado Valley Drive and US 95.

Ambient air quality monitoring stations do not exist within the project area. The nearest station, which monitors ozone and PM_{10} is located directly about 2 miles to the northeast of the project area.

3.1.2 Environmental Consequences

Air emissions associated with the proposed water line are expected to be minor and short term only during construction/decommissioning, and chiefly associated with fugitive dust during installation of the water line. It is anticipated that less than 5 acres of land would be disturbed during construction of the

water line. Some emissions associated with engine exhaust from construction equipment, the transportation of goods, and construction workers. This is anticipated to be minor as installation of the water line would be completed by a few small crews of 3-4 workers utilizing a rough terrain forklift, four-wheel drive trucks, and a front-end loader. Once the facility is operational relatively few contributions to air emissions would be generated due to travel of vehicles associated with maintenance activities.

3.1.3 Mitigation Measures

To reduce the impacts to air quality the following mitigation measures and best management practices (BMP) would be implemented as part of the project:

- Prior to construction activities, the water line route would be staked and flagged. Surface disturbance would be limited to the minimum area necessary for installation of the water line.
- The applicant will obtain the proper air quality permits from the CCDAQ for projects that disturb over 0.5 acre of land. The air quality permit may require submittal of a dust control plan.
- All trucks hauling soil, sand, or other loose material will be covered or maintain at least 2 feet of freeboard.
- Vehicle speed will be limited to under 25 miles per hour on all unpaved roads.
- Mitigation measures and BMPs to reduce impacts to air quality within the BLM corridor are stipulated in the BLM ROW grant N-93818 (issued October 27, 2015).

3.2 Geology and Soils

The following sections describe the existing geology and soil resources in the project area; potential project-related impacts to geologic and soil resources; and mitigation measures to reduce project-related impacts to geologic and soil resources.

3.2.1 Existing Environment

The Eldorado Valley is within the southern portion of the Basin and Range Province characterized by north-south trending valleys bounded by normal faults with alluvial fill underlain by older bedrock units. The proposed facility will be located on alluvial soils in the Eldorado Valley. The valley is situated on an alluvial fan and consists of alluvial, aeolian, and playa deposits, which are surrounded by steeply sloping alluvial aprons of gravel and sand deposits (U.S. Department of Agriculture [USDA], Natural Resources Conservation Service 2012). The thickness of the alluvium below the site is approximately 500 to 1,000 feet, where it is underlain by the Muddy Creek formation, a Pliocene- and Miocene-aged gravelly sandstone and siltstone.

Eldorado Valley is a closed drainage basin bounded to the west by the McCullough Range, to the north by the River Mountains, and the east by the Eldorado Mountains and the Opal Mountains. In the McCullough, River, and Eldorado Mountains, mid-Tertiary volcanic and plutonic rocks occur. The southern part of the McCullough Range and the Opal Mountains are formed primarily of Pre-Cambrian foliated metamorphic rock. The Eldorado Mountains were uplifted during the Miocene Basin and Range Uplift.

The soil textures in the project area are very cobbly to gravelly sand, and gravelly loam. There is a potential for soils in the Eldorado Valley to be corrosive and reactive to concrete. The soil slopes range from 0 to 8%. The soil erosion potential for the entire project area is low. The project area has a moderate wind erosion potential, soils with rapid permeability, and very deep soil depths.

Biological soil crusts are formed by living organisms and their by-products, creating a crust of soil particles bound together by organic material. They are commonly found in semiarid and arid environments. Crusts are well adapted to severe growing conditions, but poorly adapted to disturbance. Recovery of biological soil crusts may require hundreds of years. Preventing degradation by minimizing disturbance is an important consideration. The presence of biological soil crusts in the proposed project area has not been documented, but is probably limited as the project area is mostly within the US 95 corridor and along a previously disturbed water line route. Locations that may be disturbed would be examined for the presence of biological soil crusts prior to site development.

Desert pavement is a unique formation of a shallow surface layer of rock overlying fine soil that is commonly found in arid environments. Desert pavement may be created as a lag deposit of larger stones left behind by the wind, which blows away the fine-grained material (Cooke and Warren 1973). Desert pavements may also be developed by detachment and uplifting of clasts from bedrock surfaces as eolian fines accumulate in fractures (McFadden and Wells et al. 1987). Studies of development of desert pavement on volcanic bedrock (Valentine and Harrington 2005) has shown that desert pavement has developed by eolian processes of infiltration of fine material down into the larger rock fragments and accretion of fine sediments that lift and protect the pavement-forming clasts. The presence of desert

pavement has not been documented in the project area, but is probably limited as the project area is mostly within the US 95 corridor and along a previously disturbed water line route. Disturbance of desert pavement may result in exposure of fine-grained material that would be subject to wind and water erosion. Locations that may be disturbed would be examined for the presence of desert pavement prior to site development.

According to the *Supplemental Environmental Impact Statement for the Clark County Regional Flood Control District* (Clark County Regional Flood Control District 2004), the Quaternary alluvial deposits that cover most of the valley floors (Las Vegas Valley and Eldorado Valley), including the project site, have little or no paleontological potential.

3.2.2 Environmental Consequences

This subsection summarizes the environmental consequences from the proposed project on soils, faulting, and paleontological resources.

Soils

The erosion susceptibility of the soils in Eldorado Valley ranges from low to moderate under the proposed action (BLM 1992). Soils disturbed by grading, excavation, and construction will have a higher potential for erosion by wind and water. Little to no grading is expected for installation of the water line as it will be laid over ground surface. The presence of biological soil crusts or desert pavement in the project area has not been documented, but is expected to be limited as the majority of the project area is within the US 95 and along a previously disturbed water line route. Additionally, the proposed project will disturb less than 5 acres of land so impacts to these resources would be minimal.

Faulting

The nearest potentially active fault is the Black Hills Fault, located approximately 5 miles northwest of the proposed facility. No faults have been mapped at the proposed location (U.S. Geological Survey 2012). This site, as well as most of the southern Nevada region, may experience ground shaking from possible future earthquakes in the region. In Clark County there have never been any major earthquakes (City of Las Vegas 2010). However, tremors of intensities ranging between VI and VII on the Modified Mercalli Scale have been felt in the Clark County area as a result of strong earthquakes in west-central Nevada and southern California. Because of these occurrences, the Las Vegas area is classified in Seismic Zone 2B of the Uniform Building Code, meaning construction should remain sound if subjected to Modified Mercalli Scale intensities of VII (City of Las Vegas 2010). Therefore, potential impacts to the proposed facility from earthquakes are minor.

Paleontological Resources

Little potential for paleontological resources exists in the proposed project area; therefore, the potential for impacts to paleontological resources is minimal.

3.2.3 Mitigation Measures

To reduce impacts to soils, the following mitigation measures and BMPs will be implemented as part of the proposed project:

- Prior to construction activities, the water line route would be staked and flagged. Surface disturbance would be limited to the minimum area necessary for installation of the water line.
- Mitigation measures and BMPs for construction activities within the BLM corridor are stipulated in the BLM ROW grant N-93818 (approved October 28, 2015).

3.3 Vegetation

The following sections describe the existing vegetation in the project area; potential project-related impacts to vegetation; and mitigation measures to reduce project-related impacts to vegetation.

3.3.1 Existing Environment

Mojave creosote bush scrub is the main vegetation community in the transmission line area. This vegetation community forms the matrix throughout Eldorado Valley. This community typically is dominated by creosote bush (*Larrea tridentata*) and white bursage (*Ambrosia dumosa*) with some other species such as four-winged salt brush (*Atriplex canescens*), cheesebush (*Hymenoclea salsola*), and broom snakeweed (*Gutierrezia sarothrae*). During field surveys at the nearby Townsite Solar project area, only a few cactus plants were observed in the proposed project area including silver cholla (*Cylindroputia echinocarpa*) and pencil cholla (*Cylindropuntis ramossissima*) (NewFields 2012). No yucca was observed within the proposed project area. Also, Sahara mustard (*Brassica tournefortii*), a plant species designated by the Nevada Department of Agriculture as a Category B weed species, was found within the area. Category B species are defined as "weeds established in scattered populations in some counties of the state; actively excluded where possible, and actively eradicated from nursery stock dealer premises; control required by the state in areas where populations are not well established or previously unknown to occur." The proposed site may have various noxious and/or invasive weeds that are known to occur in southern Nevada. A list of some of the weed species that are a concern includes (but is not limited to) Sahara mustard (*Brassica tournefortii*), camelthorn (*Alhagi maurorum*), perennial pepper weed (*Lepidium latifolium*), several knapweeds, malta starthistle (*Centaurea melitensis*) and yellow starthistle (*Centaurea solstitialis*), Johnson grass (*Sorghum halepense*), Scotch thistle (*Onopordum acanthium*), Canada thistle (*Cirsium arvense*), fountain grass (*Pennisetum setaceum*), puncture vine (*Tribulus terrestris*), Russian thistle (*Salsola tragus*) and tamarisk (*Tamarix ramosissima*). Plants observed in the area include nonnative invasive plants such as cheatgrass (*Bromus* sp.), tumbleweed (*Salsola tragus*), Mediterranean grass (*Schismus barbatus*), and native invaders such as the disturbance loving skeleton weed (*Eriogonum deflexum*).

Vegetation within the proposed project area previously has been disturbed by various activities including off-highway vehicle (OHV) recreation, I-11 bypass construction, and construction of existing power lines. These disturbed areas possess urban and construction related trash and display high rates of erosion.

Nevada Revised Statutes, Chapter 555.05 defines "noxious weeds" and mandates the extent that land owners and land management agencies must control specific noxious weed species on lands under their jurisdiction. Southern Nevada lands are impacted by the presence of noxious and invasive non-native vegetation. The BLM has prepared the *Las Vegas Field Office Weed Plan* that provides guidance for an active integrated weed management program using BMPs.

3.3.2 Environmental Consequences

Construction of the proposed water line will temporarily disturb up to 5 acres of vegetation. Additionally, construction, operation, and decommissioning activities may increase the potential for the introduction and/or spread of non-native invasive weed species or noxious weeds.

3.3.3 Mitigation Measures

To reduce the impacts to vegetation and prevent the spread of noxious weeds, the following mitigation measures and BMPs will be implements as part of the proposed project:

- Prior to construction activities, the water line route would be staked and flagged. Surface disturbance would be limited to the minimum area necessary for installation of the water line. The applicant will make every effort to avoid vegetation disturbance, and where disturbance is necessary, to minimize vegetation removal and permanent vegetation loss at construction sites.
- The applicant shall clean vehicles before arriving on the project site. Soil and plant parts will be removed from vehicles including tires and undercarriages to prevent the introduction and spread of non-native weed species and/or noxious weed species.
- Construction vehicles will avoid areas with established populations of non-native or noxious weed species. The staging area for the project will be established in a weed-free area.
- Mitigation measures and BMPs for construction activities within the BLM utility corridor are stipulated in the BLM ROW grant N-93818 (issued October 27, 2015).

3.4 Wildlife

The following sections discuss the existing environment for wildlife species in the area including the desert tortoise, other state-protected reptiles, and migratory birds; potential project impacts to wildlife; and mitigation measures designed to reduce impacts to wildlife.

3.4.1 Existing Environment

This subsection summarizes the exiting environment for general wildlife, desert tortoise, other state protected reptiles, and migratory birds.

General Wildlife

The proposed project area supports wildlife characteristic of the north-eastern Mojave Desert. Common wildlife species in this area are listed in Table 3-2. This table also denotes if the species is state or federally protected, or if Nevada Department of Wildlife (NDOW) and/or NewFields have documented it in the Eldorado Valley. NewFields has completed extensive surveys in the Eldorado Valley for multiple projects including the Townsite Solar Project, BSP Project, Techren Solar Project, Copper Mountain III, and I-11 Bypass Project.

Table 3-2. Common Species that May Be Found in the Project Area

Common Name	Scientific Name
Reptiles	
Common kingsnake	*Lampropeltis getula*
Desert banded gecko	*Cleonyx variegatus*
Desert horned lizard	*Phrynosoma phatyrhinos*
Desert tortoise	*Gopherus agassizii*[1,2,4]
Long-nosed leopard lizard	*Gambelia wislizenii*[1,3]
Mojave rattlesnake	*Crotalus scutulatus*
Western whiptail	*Aspidoscelis tigris*[4]
Zebra-tailed lizard	*Callisaurus draconoides*
Birds	
Burrowing owl	*Athene cunicularia hypugea*[4]
Common nighthawk	*Chordeiles minor,*[3, 4]
Common raven	*Corvus corax*[3]
Mammals	
Black-tailed jack rabbits	*Lepus californicus*[4]
Cactus mice	*Peromyscus* spp[4]
Coyote	*Canis latrans*[4]
Kangaroo rats	*Dipodomys* spp.[4]
Kit Fox	*Dipodomys* spp.[4]

[1] *State of Nevada Species of Conservation Priority*
[2] *Federally Listed under the ESA*
[3] *Recorded by NDOW or Eldorado Valley*
[4] *Recorded by NewFields in the Eldorado Valley*

Desert Tortoise

If basic habitat requirements are met, the desert tortoise can survive and reproduce within the varied vegetation communities of the Mojave region (USFWS 1994). These requirements include sufficient suitable plants for forage and cover, suitable substrates for burrow and nest sites, and freedom from disturbance. Throughout most of the Mojave region, the desert tortoise occur primarily on flats and bajadas with soils ranging from sand to sandy-gravel characterized by scattered shrubs and abundant inter-shrub space for herbaceous plant growth. They are also found on rocky terrain and slopes.

There is significant geographic variation in the way desert tortoise use available resources. Within the Eastern Mojave Recovery Unit (close to the project area), they are often active in late summer and early autumn in addition to spring. The region receives both winter and summer rains, which support two distinct seasonal, annual floras that desert tortoise feed upon. Desert tortoise also feed on cacti, perennial grasses, and herbaceous perennials. Desert tortoises in the Eastern Mojave Recovery Unit typically burrow singly in caliche caves, bajadas, and washes (USFWS 1994).

The project area is disturbed and fragmented on all sides by roads and transmission lines. The project area's proximity to Boulder City makes it a popular destination for OHV use. Ample evidence of OHV use was observed directly on numerous occasions during surveys for the I-11 Boulder City Bypass Project and field surveys for the Townsite Solar Project. Disturbance from frequent OHV use was also abundantly evident through tracks in the desert. Water runoff has caused severe erosion in the channels and washes. OHV use has entirely denuded large portions of the project area or left behind nonnative invasive plants such as cheatgrass (*Bromus* sp.), tumbleweed (*Salsola tragus*), and Mediterranean grass (*Schismus barbatus*) and native invaders such as the disturbance loving skeleton weed (*Eriogonum deflexum*).

Other State Protected Reptiles

The Gila monster is classified as a State sensitive reptile (Nevada Administrative Code [NAC] 503.080) and is protected under Nevada state law (NAC 503.090 and NAC 503.093). The geographic range and habitat of the Gila monster overlaps with that of the desert tortoise. This venomous lizard is found below 5,000 feet elevation on rocky slopes and landscapes of upland desert scrub interspersed with desert washes (NDOW 2012).

Migratory Birds

Additionally, numerous bird species travel through Nevada during spring and fall migrations. A complete list of protected birds is found in 50 Code of Federal Regulations 10.13 and published in the Federal Register Vol.78 No. 212, November 1, 2013. The list of birds protected under this regulation is extensive and the project area has potential to support many of these species. During the breeding season (from March 15 through August 31) is when these species are most sensitive to disturbance. Migratory birds are protected under the Migratory Bird Treaty Act of 1918 and subsequent amendments, which state that it is unlawful to take, kill, or possess migratory birds.

3.4.2 Environmental Consequences

The following sections disclose the potential impacts to wildlife species including desert tortoise, other sensitive reptiles, and migratory birds.

General Wildlife

A small amount of wildlife habitat would be temporarily disturbed (less than 5 acres) or removed during construction activities. Ground-disturbing activities such as grading, trenching, or burying the water line could directly result in mortality to various wildlife species. Some species that are particularly mobile might be able to avoid injury or mortality by leaving the area. However, some wildlife, such as nocturnal species or species that use burrows, might be more susceptible to injury or mortality.

Although temporary in nature, noise and activity associated with construction could cause animals to avoid the area, thus altering their normal behavior patterns. During operation of the water line, however, leaks in the pipe could attract animals to the area increasing their susceptibility to operation activities such as water line repairs, to OHV use on the adjacent access road, or to decommissioning activities. Leaks in the water line could also contribute to nonnative invasive plant establishment, decreasing the quality of wildlife habitat.

Increased traffic on established roads and overland travel could result in more vehicle/wildlife collisions, thereby resulting in injury or death to wildlife. This might be of particular concern for reptiles and species that use roads for heat sources or for other small wildlife.

Desert Tortoise

Tortoises may be injured or killed during construction activities such as grading or burying the water line. It is anticipated that only a small amount of desert tortoise habitat (less than 5 acres) will be temporarily disturbed or removed.

Increased human activity and construction vehicle traffic may also result in tortoise/vehicle collisions that result in tortoise injury or death. Tortoise may take shelter under parked vehicles and be killed, injured, or harassed. Minimization measures such as a Worker Environmental Action Plan and speed limits on roads would reduce or eliminate these effects.

Predators such as ravens, coyotes, or other raptors may be attracted to the construction site due to an increase in food and water opportunities including construction site litter and voluntary feeding from construction staff, or other opportunities. An increased presence of predators could lead to a predation increase on smaller, more vulnerable tortoises.

Ground disturbing activities during construction may result in an increase of noxious and invasive plant species in the area. Construction machinery may facilitate the spread of existing noxious or invasive species throughout the site, or may facilitate the introduction of new noxious weeds or invasive species. Noxious and invasive plants may displace native species that provide forage for tortoises.

Other Sensitive State Species

Gila monsters, snakes, and other reptile species could be injured or killed during construction activities. Indirect effects may include habitat fragmentation and disruption of normal activity patterns. Gila monsters and snakes also may be disturbed by noise from construction. Gila monster may be unearthed and injured or killed during trenching activities.

Migratory Birds

Migratory birds could be injured or killed during vegetation removal, mowing, or grading activities. Adult birds may be able to flee the area; however, during migratory bird nesting season, eggs and juvenile birds that are confined to nests may be killed.

Only a small amount of native plant communities that provide habitat to nesting migratory birds would be temporarily disturbed or eliminated (less than 5 acres) as a result of the proposed project.

3.4.3 Mitigation Measures

This subsection discusses the mitigation measures to be implemented for general wildlife, desert tortoise, other reptile species, and migratory birds.

General Wildlife

The following mitigation measures and BMPs will be implemented as part of the proposed project to reduce impacts to general wildlife and sensitive species in the area:

- Prior to construction activities, the water line route would be staked and flagged. Surface disturbance would be limited to the minimum area necessary for installation of the water line. The applicant will make every effort to minimize vegetation removal and permanent vegetation loss at construction sites.
- Vehicles will be limited to the project area on identified routes. Overland travel will not be permitted outside the project area.
- Vehicle speeds will not exceed 25 miles per hour on unpaved roads or 10 miles per hour during overland travel.
- All trash and food items will be disposed of in proper containers. No food or litter will be left in the project area.
- Pet will not be allowed on the project site unless restrained in a kennel.

Desert Tortoise

In addition to the mitigation measures for wildlife, the following mitigation measures and BMPs will be implemented as part of the proposed project to reduce impacts to desert tortoise:

- Water line construction, operation, and decommissioning activities on federal land is authorized under Section 7 of the ESA is authorized under the Southern Nevada District Office Programmatic Biological Opinion and the applicable mitigation measures are presented as stipulations in the BLM ROW grant N-93818.
- Water line construction, operation and decommissioning activities on non-federal land are authorized under the Section 10 of the ESA and the Clark County Multiple-Species Conservation Plan (MSHCP). Under this permit, BSP may have to pay fees to the Clark County for disturbance of desert tortoise habitat. Under the MSHCP, no other mitigation is required; however, BSP is committed to the additional migration measures and BMPs including:

- A Worker's Environmental Awareness Program (WEAP) will be developed and presented to each construction worker or employee before they start work in the project area. At a minimum the WEAP will discuss protected species (desert tortoise, migratory birds, Gila monsters, etc.) in the area, BMP commitments to reduce impacts to these species, and protocols if a protected species is observed.
- Parked vehicles will be inspected prior to being moved. If a tortoise is found underneath a vehicle, the crew supervisor would call the Clark County Desert Conservation Program's Wild Desert Tortoise Assistance Line 702-593-9027.
- The waterline will be monitored regularly to check for leaks or ponding water. Leaks will be fixed within 1 day.

Other Reptile Species

In addition to the mitigation measures and BMPs to protect general wildlife, BSP would follow the NDOW's Identification and Reporting Protocols to reduce impacts to Gila monsters (Appendix A). Additionally, identification and handling of Gila monsters are discussed in the WEAP that was developed for the project.

Migratory Birds

In addition to the mitigation measures and BMPs for protecting general wildlife, BSP would implement the following additional measures:

- If the project will alter any breeding habitat (i.e., vegetation removal or mowing) during the breeding season (late February through July), then a qualified avian 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 or on existing manmade structures. Active nests shall be fagged and avoided with an appropriate buffer as determined by the qualified avian biologist, NDOW, and/or the USFWS as appropriate.
- The applicant will follow the guidelines denoted in the USFWS's *Protecting Burrowing Owl at Construction Sites* pamphlet (Appendix B).

3.5 Cultural Resources

The following sections discuss the existing environment for cultural resources in the area; potential project impacts to cultural resources; and mitigation measures designed to reduce impacts to cultural resources.

3.5.1 Existing Environment

Section 106 of the National Historic Preservation Act, as amended (16 United States Code 470 et seq.), requires federal agencies to take into account the effects of their actions on properties listed or eligible for listing on the National Register of Historic Places (NRHP). The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of persons significant in our past; or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that

D. Represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

E. That have yielded, or may be likely to yield, information important in prehistory or history.

The portion of the project that is on BLM land is subject to compliance with Section 106 of the National Historic Preservation Act as it is considered a federal undertaking. Section 106 requires federal agencies to consider the effects of their actions on historic properties and to consult with SHPO. A Class III Cultural Report previously was completed for the portion of the project on federal land. Only one site was within the proposed ROW, and the site was collected during survey. It is therefore considered to no longer exist. SHPO concurs that the cultural resources are not eligible for NRHP under the Secretary's criteria.

3.5.2 Environmental Consequences

Because no sites were eligible for listing under the NRHP, no impacts to cultural resources on federal land would occur.

3.5.3 Mitigation Measures

No cultural resources eligible for listing under the NRHP were found within the federal land; therefore, no mitigation measures are required.

3.6 Recreation and Land Use

The following sections discuss the existing environment for recreation and land use in the area; potential project impacts to recreation and land use; and mitigation measures designed to reduce impacts to recreation and land use.

3.6.1 Existing Environment

Recreation in the area mostly consists of OHV usage throughout the area, especially near the water treatment facility. OHV disturbance also is apparent along the utility corridors. Adjacent Boulder City lands are utilized primarily for energy development, though the Boulder City Conservation Easement allows casual recreational uses, including hiking, sightseeing, and driving for pleasure at speeds below 25 miles per hour.

The project area is located within NDOW Hunt Unit 266 (NDOW 2012). Big game hunting in this Hunt Unit consists of desert bighorn sheep (*Ovis canadensis nelsoni*), which are predominantly in Boy Scout Canyon and Burrow Wash. Most of the bighorn sheep habitat is within the Lake Mead National Recreation Area. Only a small portion of this habitat is outside the recreation area on land managed by the BLM.

3.6.2 Environmental Consequences

Because bighorn sheep are found at higher elevations, construction, operation, and decommissioning of the waterline would not affect hunting in the area.

In the short-term recreationalist may be minimally affected during construction, operation, and decommissioning of the water line. The 10-inch water line may impede cross-country OHV traffic. Suring construction, noise from construction vehicles may interfere with outdoor enjoyment.

3.6.3 Mitigation Measures

To reduce impacts to recreationalists or other land users, the following mitigation measures and BMPs would be implemented as part of the proposed project:

- Prior to construction activities, the water line route would be staked and flagged. Surface disturbance would be limited to the minimum area necessary for installation of the water line.

3.7 Socioeconomics

The following sections discuss the existing environment for socioeconomics in the area; potential project impacts to socioeconomics; and mitigation measures designed to reduce impacts to socioeconomics.

3.7.1 Existing Environment

The proposed project site is located in the undeveloped, uninhabited, and rural area that the City of Boulder City acquired from the BLM 1994. The inhabited area of Boulder City is over 10 miles from the proposed project site, while the jurisdictional boundary of Boulder City is approximately 5 miles from the proposed project site. Boulder City is located in Clark County, Nevada.

The region of influence for the proposed action is Clark County, Nevada. Selected socioeconomic indicators for the region of influence and comparative data for the state are presented in Table 3-3.

Table 3-3. Selected Socioeconomic Indicators for the Region of Influence and State of Nevada (2014)

Geographic Area	Population	Labor Force	Housing Units	Owner-Occupied Housing Units (percent)	Median value of Owner-Occupied Housing (2009-2013)
Clark County	2,839,099	925,000	1,198,907	56.7	$169,100

Source: United States Census Bureau, Clark County, Nevada. Accessed January 20, 2016 at http://quickfacts.census.gov/qfd/states/32/32003.html

3.7.2 Environmental Consequences

The project would generate temporary employment for approximately 3-4 workers during the approximately 4-week duration of construction.

It is expected that the construction workers would primarily be residents of Boulder City or the Las Vegas area about 30 miles away. Temporary construction jobs will bring employment and income to Clark County, which is a beneficial impact although negligible because of the short duration of the project and the scale of the Clark County economy. There would be no appreciable changes in population, employment, and income.

3.7.3 Mitigation Measures

Mitigation is not warranted because impacts would be beneficial and negligible.

3.8 Water Resources

The following sections discuss the existing environment for water resources in the area; potential project impacts to water resources; and mitigation measures designed to reduce impacts to water resources.

3.8.1 Existing Environment

This subsection summarizes the existing environment for groundwater and surface water in the project area.

Groundwater

Eldorado Valley is a designated groundwater basin. The depth to groundwater in Eldorado Valley is highly variable. Nevada Division of Water Resources (http://water.nv.gov) online records list a borehole, Well Driller's Report Number 62794, about 2 miles south of the site, adjacent to the US 95. The depth to static groundwater in the borehole was measured at 230 feet below land surface in January 1997.

Surface Water

Under the terms of the land lease agreement with the City of Boulder City, water associated with the construction and operation of the proposed facility would be made available from Boulder City's water supply.

Eldorado Valley is a closed basin; surface water runoff from the surrounding mountains is directed to the Eldorado Dry Lake. No permanent surface water sources or wetlands in the project area. Surface runoff is very infrequent, occurring as flows in the ephemeral channels following rainfall events. Although not precisely known, the annual runoff within the basin has been estimated to be less than 100 acre-feet/year (Scott et al. 1971). In the site vicinity, surface water stormwater flows generally from the project site toward the Eldorado Dry Lake under flooding characteristics of prehistoric dry lake basins (i.e., shallow flash flooding over large areas).

The flow of water in these small drainage systems occurs only during infrequent storm events and has no nexus to the Colorado River system and the U.S. Army Corps of Engineers previously determined the Boulder Solar project would not affect surface waters under jurisdiction of Section 404 of the Clean Water Act.

In a February, 2 2015 letter, the NDEP made a determination that obtaining a Construction Stormwater General Permit was not required. Accordingly, preparation of a Stormwater Pollution Prevention Plan would not be warranted. Their rationale was that regulated Waters of the United States would not be affected within this hydrologically closed basin. As no discharge of hazardous materials to surface water resources will occur, considerations under the Safe Drinking Water Act would not be required.

3.8.2 Environmental Consequences

This subsection discusses potential environmental consequences on groundwater and surface water from the proposed project.

Groundwater

Activities associated with the construction and operation of the proposed pipeline would not have impacts deeper than a few feet, and therefore would not intercept or impact the much deeper groundwater in any way. Local groundwater would not be utilized for either the construction or operation of the project.

Surface Water

There are no regulated surface waters within this closed basin therefore there would be no effect.

3.8.3 Mitigation Measures

This subsection summarizes the mitigation measures to minimize impacts to groundwater and surface water.

Groundwater

Mitigation is not warranted because there will be no impacts to groundwater.

Surface Water

Mitigation is not warranted because there are no regulated surface waters in the project area to be affected.

4.0 List of Preparers and Reviewers

Name	Qualifications	Document Preparation Role
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Linda Bullen Bullen Law, LLC. 9101 W. Sahara Ave STE 105-L6 Las Vegas, Nevada 89117		Reviewer
SunPower **1414 Harbour Way South** **Richmond, California 94804**		
Renée Robin	Director of Permitting	Reviewer
Jonathan Bortle	Permit Compliance Manager	Reviewer
Andrew Hamilton	Manager, Origination & Development	Reviewer
Sevi Gultes	Senior Developer	Preparer – Project Description
Joseph R Dietrich, P.E. Env Sp	Manager of Site Engineering at Louis Berger	Preparer – Project Description

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APPENDIX A. GILA MONSTER STATUS, IDENTIFICATION, AND REPORTING PROTOCOL FOR OBSERVATION

NEVADA DEPARTMENT OF WILDLIFE
Southern Region
4747 W. Vegas Drive, Las Vegas, Nevada 89108
Phone: 702-486-5127, Fax: 702-486-5133

7 September 2012

GILA MONSTER STATUS, IDENTIFICATION AND REPORTING PROTOCOL FOR OBSERVATIONS

Gila Monster Status

- Per Nevada Administrative Code 503.080, the Gila monster (*Heloderma suspectum*) is classified as a Protected reptile.

- Per Nevada Administrative Codes 503.090, and 503.093, no person shall capture, kill, or possess any part thereof of Protected wildlife without the prior written permission by the Nevada Department of Wildlife (NDOW).

This species is rarely observed relative to other species which is the primary reason for its Protected classification by the State of Nevada. The USDI Bureau of Land Management has recognized this lizard as a sensitive species since 1978. Most recently, the Gila monster was designated as an *Evaluation* species under Clark County's Multiple Species Habitat Conservation Plan (MSHCP). The evaluation designation was warranted because inadequate information exists to determine if mitigation facilitated by the MSHCP would demonstrably cover conservation actions necessary to insure the species' persistence without protective intervention as provided under the federal Endangered Species Act.

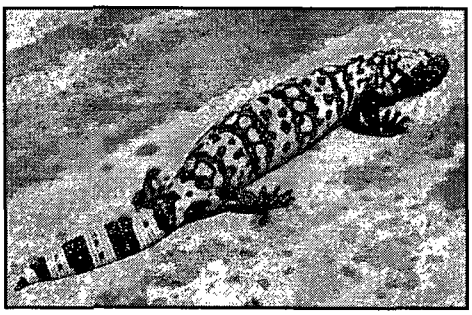
The banded Gila monster (*H.s. cinctum*) is the subspecies that occurs in Clark, Lincoln, and Nye counties of Nevada. Found mainly below 5,000 feet elevation, its geographic range approximates that of the desert tortoise (*Gopherus agasizii*) and is coincident to the Colorado River drainage. Gila monster habitat requirements center on desert wash, spring and riparian habitats that inter-digitate primarily with complex rocky landscapes of upland desert scrub. They will use and are occasionally encountered out in gentler terrain of alluvial fans (bajadas). Hence, Gila monster habitat bridges and overlaps that of both the desert tortoise and chuckwalla (*Sauromalus ater*). Gila monsters are secretive and difficult to locate, spending >95% of their lives underground.

The Gila monster is the only venomous lizard endemic to the United States. Its behavioral disposition is somewhat docile and avoids confrontation. But it will readily defend itself if threatened. Most bites are considered illegitimate and consequential to harassment or careless handling. These lizards are not dangerous unless molested or handled and should not be killed.

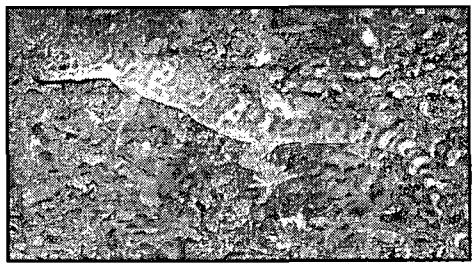
Scant information exists on detailed distribution and relative abundance in Nevada. The Nevada Department of Wildlife (NDOW) has ongoing management investigations addressing the Gila monster's status and distribution, hence additional distribution, habitat, and biological

information is of utmost interest. In assistance to gathering additional information about Gila monsters in Nevada, NDOW will be notified whenever a Gila monster is encountered or observed, and under what circumstances (see Reporting Protocol below).

Identification



The Gila monster is recognizable by its striking black and orange-pink coloration and bumpy, or beaded, skin. In keeping with its namesake, the banded Gila monster retains a black chain-link, banded appearance into adulthood. Other lizard species are often mistaken for the Gila monster. Of these, the non-venomous western banded gecko (*Coleonyx variegatus*) and non-venomous chuckwalla are most frequently confused with the Gila monster. All three species share the same habitats.



The western banded gecko is often mistakenly identified as a baby or juvenile Gila monster. Western banded geckos do have a finely granular skin and pattern that can be suggestive of the Gila monster to the untrained eye. However, western banded gecko heads are somewhat pointed at the snout and the relatively large eyes have vertical pupils. Snouts of Gila monsters are bluntly rounded and the smallish eyes have round pupils. Newly hatched Gila monsters are about 5-6 inches long with a vivid orange and black, banded pattern. Adult western banded geckos are at best cream to yellow and brown in pattern and do not exceed 5 inches.

Both juvenile and adult chuckwallas are commonly confused with the Gila monster. Juvenile chuckwallas have an orange and black, banded tail. Although banding of the tail fades as chuckwallas mature, their large adult size (up to 17 inches) rivals that of the Gila monster. Adult chuckwallas have a body shape somewhat suggestive of the Gila monster, but they lack the coarsely beaded skin and black and orange body pattern of the Gila monster.

Reporting Protocol for Gila Monster Observations

Field workers and personnel in southern Nevada should at least know how to: (1) identify Gila monsters and be able to distinguish it from other lizards such as chuckwallas and western banded geckos (see Identification section above); (2) report any observations of Gila monsters to the Nevada Department of Wildlife (NDOW); (3) be alerted to the consequences of a Gila monster bite resulting from carelessness or unnecessary harassment; and (4) be aware of protective measures provided under state law.

1) Live Gila monsters found in harms way on the construction site will be captured and then

detained in a cool, shaded environment (≤85°F) by the project biologist or equivalent personnel until a NDOW biologist can arrive for documentation, marking and obtaining biological measurements and samples prior to releasing. Despite that a Gila monster is venomous and can deliver a serious bite, its relatively slow gate allows for it to be easily coaxed or lifted into an open bucket or box carefully using a long handled instrument such as a shovel or snake hook (*Note: it is not the intent of NDOW to request unreasonable action to facilitate captures; additional coordination with NDOW will clarify logistical points*). A clean 5-gallon plastic bucket with a secure, vented lid; an 18"x 18"x 4" plastic sweater box with a secure, vented lid; or, a tape-sealed cardboard box of similar dimension may be used for safe containment. Additionally, written information identifying the mapped capture location, Global Positioning System (GPS) coordinates in Universal Transverse Mercator (UTM) using the North American Datum (NAD) 83 zone 11. Date, time, and circumstances (e.g. biological survey or construction) and habitat description (vegetation, slope, aspect, substrate) will also be provided to NDOW.

2) Injuries to Gila monsters may occur during excavation, blasting, road grading, or other construction activities. In the event a Gila monster is injured, it should be transferred to a veterinarian proficient in reptile medicine for evaluation of appropriate treatment. Rehabilitation or euthanasia expenses will not be covered by NDOW. However, NDOW will be immediately notified of any injury to a Gila monster and which veterinarian is providing care for the animal. If an animal is killed or found dead, the carcass will be immediately frozen and transferred to NDOW with a complete written description of the discovery and circumstances, date, time, habitat, and mapped location (GPS coordinates in UTM using NAD 83 Z 11).

3) Should NDOW's assistance be delayed, biological or equivalent acting personnel on site should detain the Gila monster out of harms way until NDOW personnel can respond. **The Gila monster should be detained until NDOW biologists have responded**. Should NDOW not be immediately available to respond for photo-documentation, a digital (5 mega-pixle or higher) or 35mm camera will be used to take good quality images of the Gila monster in situ at the location of live encounter or dead salvage. The pictures will be provided to NDOW at the address above or the email address below along with specific location information including GPS coordinates in UTM using NAD 83 Z 11, date, time and habitat description. Pictures will show the following information: (1) Encounter location (landscape with Gila monster in clear view); (2) a clear overhead shot of the entire body with a ruler next to it for scale (Gila monster should fill camera's field of view and be in sharp focus); (3) a clear, overhead close-up of the head (head should fill camera's field of view and be in sharp focus).

Please contact NDOW Biologist Jason L. Jones at 702-486-5127 x3718
or by e-mail at jljones@ndow.org for additional information regarding these protocols.

APPENDIX B. PROTECTING BURROWING OWLS AT CONSTRUCTION SITES

Burrowing Owls *(Athene cunicularia)* are one of the smallest owls in North America. Although these small owls can dig their own burrows for shelter and nesting, they often use burrows that have been created by small mammals such as ground squirrels, prairie dogs, and desert tortoises and even adopt pipes or culverts.

These small owls are between 7.5 to 10 inches tall with a wingspan of 21 to 24 inches. They weigh between 4.5 to 9 ounces. Unlike most owls, burrowing owl males are slightly heavier than females and have a longer wingspan.

Burrowing owls feed primarily on insects and small mammals but will also eat reptiles and amphibians. They hunt while walking or running across the ground, by swooping down from a perch, or hover and catch insects in the air.

Burrowing owls were once widely distributed across western North America. Although burrowing owls are protected by the Migratory Bird Treaty Act, their numbers are declining.

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1340 Financial Boulevard, Suite 213
Reno, Nevada 89502
Phone: 775-861-6300
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Southern Nevada Field Office
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Las Vegas, Nevada 89130
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http://www.fws.gov/nevada
http://www.facebook.com/usfwspacificsouthwest
http://www.flickr.com/photos/usfws_pacificsw/
http://twitter.com/USFWSPacSWest

January 2013

U. S. Fish & Wildlife Service

Protecting Burrowing Owls At Construction Sites

Nevada's Mojave Desert Region

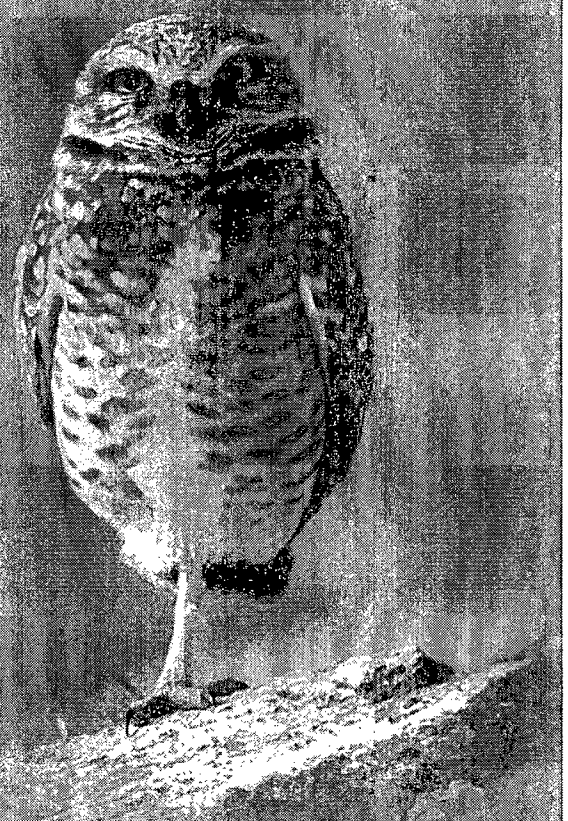
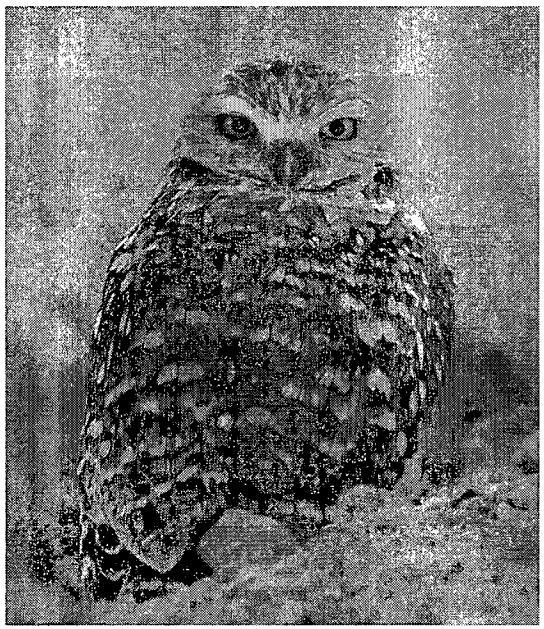


Photo by Stephen Ting

Are burrowing owls using your construction site?

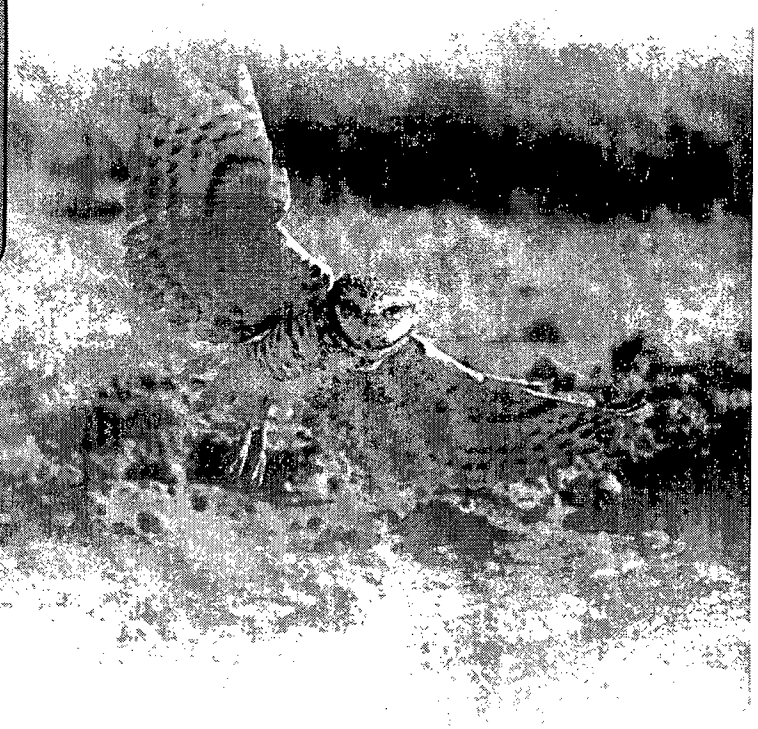
Observing burrowing owl behavior will help you determine if owls are using your construction site as habitat or if they are nesting in the area. Burrowing owls are often active during the day; however, you should check crevices, cracks, and burrows at your construction site for owls before beginning construction. Use of a fiber-optic scope or mini camera may help you look into a burrow to determine the presence of owls or nests.

If you discover an active nest, the site must be avoided until the chicks have fledged (able to fly). No construction should occur within a 250 foot radius around the nest. The nesting cycle takes a minimum of 74 days.



Burrowing owls are protected by the Migratory Bird Treaty Act.

Killing or possessing burrowing owls or destruction of their eggs or nest is prohibited by law.



Nesting behavior

Burrowing owls breed from mid-March through August in southern Nevada. If owls are nesting, the site must be avoided until the chicks have fledged or it has been determined the nest has failed. The following are some behaviors that may help identify and determine if there is an active nest in the area:

- A burrow that is occupied by burrowing owls will have debris such as twigs or feathers at the entrance.
- Two owls at the entrance to a burrow is a good indication that the burrow is a nest site. One owl may disappear or reappear over a period of time. This is usually the female. She may have gone below to lay eggs or may be emerging to assist the male in hunting for food for the chicks.
- An owl observed carrying food to a burrow is a very good sign there is an active nest. The owl is most likely the male providing food for the female while she is incubating eggs.
- Chicks may appear at the burrow entrance when they are about ten days old.

Clark County projects

*The following **only** applies to construction projects in Clark County.*

Clark County holds a permit from the U. S. Fish & Wildlife Service authorizing "take" of desert tortoises during the course of otherwise legal activities on non-federal lands. Discouraging burrowing owls from breeding in construction sites on private land in Clark County is allowed. Desert tortoise burrows in Clark County can be collapsed from September through February if they do not contain protected wildlife. Contact the Nevada Department of Wildlife at 702-486-5127 if you find State protected wildlife such as Gila monsters.

EXHIBIT G

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

BULLEN LAW LLC
STE 105-L6
9101 W SAHARA AVE
LAS VEGAS NV 89117

Account # **124204**

Ad Number **0000719082**

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 01/29/2016 to 01/29/2016, on the following days:

01 / 29 / 16

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

APPLICATION FOR A PERMIT TO CONSTRUCT A TEMPORARY WATER PIPELINE UNDER THE UTILITY ENVIRONMENTAL PROTECTION ACT

Boulder Solar Power, LLC (the "Company" or "Boulder Solar Power") is submitting, pursuant to the Nevada Utility Environmental Protection Act ("UEPA"), an application (the "Application") with the Public Utilities Commission of Nevada (the "Commission") for a permit to construct a temporary aboveground water pipeline, approximately 11.3 miles in length (the "Proposed Facility") under Nevada Revised Statutes ("NRS") Chapter 704, Sections .820 to .900, and Nevada Administrative Code ("NAC") Chapter 703, Sections .415 to .427.

This Proposed Facility is being undertaken to provide water for the construction of the Boulder Solar Project, a 100 megawatt ("MW") photovoltaic ("PV") solar facility located in the Boulder City Energy Zone. The pipeline will start from a connection point at Boulder City, Nevada's domestic wastewater treatment facility and will extend overland southward on Boulder City-owned property. The pipeline will remain on Boulder City property with the exception of a crossing of the I-11 Bypass, where it will parallel U.S. 95 within the Nevada Department of Transportation right-of-way between the edge of roadway and the fence line starting at approximately NDOT STA 1892+00. It will cross under U.S. 95 within an existing reinforced concrete box culvert near NDOT STA 1707+64 and will again parallel U.S. 95 until it reaches the solar facility entrance where it will follow the project access road until it is discharged into the temporary, lined construction pond.

The contents of the Application will include, but are not limited to:
1. A general description of the location of the proposed utility facility.
2. A regional map showing the location of the proposed utility facility.
3. Any alternative locations for the proposed utility facility.
4. The reasons why the selected location is best suited for the proposed utility facility.
5. A general description of the proposed utility facility including the size and nature of the proposed utility facility and the natural resources that will be used during the construction and operation of the proposed utility facility.
6. A summary of any studies which have been made of the environmental impact of the facility.
7. Proof that a copy of the Application has been submitted to the Nevada State Clearinghouse within the State Department of Conservation and Natural Resources.
8. Proof that a public notice of the Application was given to persons residing in the municipalities entitled to receive notice by the publication of a summary of the application in newspapers published and distributed in the area in which the utility facility is proposed to be located and a copy of that notice.

A copy of the Application will be available on the Commission's website following the filing Application by Boulder Solar Power. Additional information about the UEPA process and a person's right to participate in the process can be found in NRS and NAC Chapters 703 and 704.

PUB: January 29, 2016
LV Review-Journal

/S/ Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 29th day of January, 2016

Notary Mary Lee

MARY A. LEE
Notary Public State of Nevada
No. 09-8941-1
My Appt. Exp. Nov. 13, 2016

EXHIBIT H

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2016, a true and correct copy of the Application Of Boulder Solar Power, LLC For A Permit To Construct A Temporary Water Pipeline Pursuant To The Utility Environmental Protection Act And Request For Expedited Treatment was served via electronic mail to the following parties:

Public Utilities Commission of Nevada
9075 W. Diablo Drive, Suite 250
Las Vegas, Nevada 89148
Attn: Tammy Cordova
Staff Counsel
tcordova@puc.nv.gov

Office of the Attorney General
Bureau of Consumer Protection
10791 W. Twain Ave., Suite 100
Las Vegas, NV 89135
Attn: Eric Witkoski
Chief Deputy Attorney General
and Consumer Advocate
ewitkoski@ag.nv.gov

Nevada Department of Conservation and
Natural Resources
901 South Stewart Street, Suite 1003
Carson City, Nevada 89701
Attn: Leo Drozdoff
Director
ldrozdoff@dcnr.nv.gov

Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249
Attn: Dave Emme
Administrator
demme@ndep.nv.gov

Nevada State Clearinghouse
Nevada Division of State Lands
901 South Stewart Street, Suite 5003
Carson City, NV 89701-5246
Attn: Skip Canfield
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Public Utilities Commission of Nevada
1150 E. William Street
Carson City, Nevada 89701-3109
Attn: Louise Uttinger
uttinger@puc.nv.gov

Public Utilities Commission of Nevada
1150 E. William Street
Carson City, Nevada 89701-3109
Attn: Staff Counsel Support
pucn.sc@puc.nv.gov

Clark County Clerk
Regional Justice Center
200 Lewis Ave
Las Vegas, NV 89101
Attn: Lynn Goya
clerkem@ClarkCountyNV.gov

Dated: February 3, 2016

Linda M. Bullen
Bullen Law, LLC
9101 W. Sahara Ave., Ste. 105-L6
Las Vegas, NV 89117

EXHIBIT I

Permits and Approvals

U.S. BLM Right of Way Grant[1]

U.S. BLM Notice to Proceed

U.S. FWS Section 7 Consultation

Nevada Department of Wildlife Special Purpose Permit

Nevada Division of Environmental Protection Working in Waters Permit

Nevada Division of Environmental Protection Groundwater Discharge Permit

Nevada Department of Transportation Encroachment Permit

Clark County Dust Control Permit

Public Utilities Commission of Nevada Utility Environmental Protection Act Permit

Boulder City Encroachment License

[1] All federal approvals apply to the small section of the water pipeline that will cross the BLM-managed utility corridor. The BLM has indicated that no additional environmental review will be required for the pipeline and that the federal documents will not be reissued. These documents have been or will be filed in PUCN Docket 12-05037.