

U.S. Department of the Interior Bureau of Land Management

**Finding of No Significant Impact
July 2008**

Southwest Intertie Project Southern Portion

Location: **Portions of Clark, Lincoln, White Pine Counties, Nevada
BLM Right-of-Way Grant NVN-85210**

Applicant/Address: **Great Basin Transmission, LLC
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Finding of No Significant Impact

For

**Great Basin Transmission, LLC
Amendment to Right of Way Grant NVN-85210**

EA #NV-040-07-048

FONSI:

Finding of No Significant Impact: I have reviewed EA NV-040-07-048, dated August 2007, and the three sets of comments received on the Environmental Assessment (EA). After review of these comments, and consideration of the environmental impacts as described in the EA dated July 2008, I have determined that the proposed amendment of the existing Right-of-Way Grant NVN-85210 (ROW), will not significantly affect the quality of the human environment, individually or cumulatively with other actions and that a supplemental Environmental Impact Statement (EIS) is not required. In making this determination, I have taken into account the mitigation measures as described in the EA, the Construction Operation and Maintenance Plan (COM Plan), the Biological Assessment (BA) and the Biological Opinion (BO), all of which will be made conditions of approval of the ROW amendments. This finding and conclusion includes consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 Code of Federal Regulations 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Rationale:

Context:

The proposed amendment consists of two relatively minor modifications of the granted Southwest Intertie Project (SWIP) ROW in areas that do not have particularly unique or sensitive attributes. The areas affected by the amendment consist of a 3.8-mile extension from the originally approved terminus of the SWIP to the existing Harry Allen 500kV Substation in Clark County and the relocation of the originally approved Robinson Summit Substation site, approximately $\frac{3}{4}$ mile to the northwest, and immediately adjacent to the approved SWIP corridor in White Pine County (the relocated site is referred to as the Thirtymile Substation).

The proposed extension and interconnection at the existing Harry Allen 500kV Substation are in an area that has been previously modified by several energy related facilities including generation and substation facilities, and numerous transmission lines. The proposed relocated substation (Thirtymile Substation) would involve an amount of disturbance to Bureau of Land Management (BLM) land (approximately 77 acres) similar to or less than the previously approved site, in an area that is partially within, or immediately adjacent to, two designated utility corridors, traversed by two existing transmission lines and accessible by an existing road.

Intensity:

The following evaluation of intensity for this proposal is organized around the 10 criteria described at 40 CFR 1508.27 and below.

1) Impacts that may be both beneficial and adverse.

The EA has considered both beneficial and adverse impacts. The amendment to the existing ROW grant will allow the SWIP to interconnect with the existing grid at the Harry Allen 500kV Substation and will provide certain engineering and environmental advantages relative to the currently approved Robinson Summit Substation site and interconnection with the Falcon-to-Gonder 345kV line. The SWIP – Southern Portion will increase the reliability of the western transmission grid, allowing the sharing of electrical supplies between different service areas in Nevada and different regions of the west, and provide transmission capacity for new generation, including proposed or potential renewable energy resources in the region.

Additional linear facilities have been proposed for the utility corridor to be occupied by the SWIP – Southern Portion. Consolidation of access within the corridor may result in an overall reduction of access related concerns and/or impacts to the environmental resources within and near the utility corridor. At the appropriate time the BLM, in coordination with the proponent and other potential users of the utility corridor, will determine which of the newly-constructed access roads will be closed, restored, or retained for operation and maintenance activity. New access roads not required for operation and maintenance of the SWIP – Southern Portion and/or other planned facilities may be closed using the most effective and least environmentally damaging methods appropriate to that area. Where access is to be restored, the practices identified in the COM Plan will be implemented accordingly. While detailed engineering and the potential to accommodate future lines has required changes to the access originally anticipated in select locations, the overall impacts of access will remain consistent with those presented in the SWIP EIS.

While these beneficial impacts are noted in the EA, they were not the basis for the conclusion that the adverse impacts of the proposed amendments would not be significant. That determination was based on the nature and level of the adverse impacts, taking into account required mitigation.

2) The degree to which the Proposed Action affects public health or safety.

Implementation of the proposed action will not result in potentially substantial or adverse impacts to public health and safety. Design and construction of facilities will be in accordance with the specifications and procedures outlined in the EA and COM Plan insuring compliance with all health and safety regulations and requirements.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The Proposed Action does not affect any unique characteristics of the geographic area(s), including park lands, prime farmlands, wetlands, wild and

scenic rivers, or ecologically critical areas. The Harry Allen extension could potentially impact individual Desert Tortoise, but the affected area is not within designated Critical Habitat and any potential impacts will be avoided and mitigated pursuant to measures in the BO and BA and incorporated into the COM Plan. The Proposed Action will affect cultural resources at the Thirtymile Substation, but those resources are not unique and any adverse effects will be mitigated through the implementation of the Historic Properties Treatment Plan (HPTP).

- 4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The location of the Thirtymile Substation is in an area associated with two approved and designated BLM utility corridors, one containing two existing transmission lines (Falcon-to-Gonder 345kV and Gonder-to-Machacek 230kV transmission lines). The extension to the Harry Allen Substation is in an area highly modified by numerous existing electrical facilities and other industrial facilities associated with the APEX Industrial Park. The types of effects documented in the EA are not considered to be highly controversial, and the methods identified in the COM Plan to implement the construction of the project are accepted methods to meet resource and management objectives.

- 5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

Transmission lines and substations are routinely studied, approved, and operated on BLM lands, and in general, the effects of these facilities is not considered to be highly uncertain or involve unique risks, especially when constructed within utility corridors. There are no effects of the Proposed Action identified in the EA which are considered uncertain or involve unknown risks, and compliance with the mitigation measures and procedures identified in the EA, BO, and COM Plan allow for the flexibility to address specific issues, should they occur during construction and operation of the planned facilities.

- 6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed action does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. The precedent for locating the SWIP and other transmission facilities in this corridor was set when the corridor was designated by the BLM in the Land Use Plan Amendments approved in the 1994 Record of Decision (ROD) for the SWIP transmission line. The decision to locate the SWIP transmission line, and ultimately the broader corridor in this area, was based on an extensive planning process that included review of environmental resource impacts and mitigation during the preparation of the SWIP Draft EIS/Final EIS (DEIS/FEIS). The modifications presented in the EA are consistent with these earlier decisions, and neither the original nor modified grant will prohibit other utilities from maintaining consistent electrical spacing. As described under Item 1 (above), access developed for the proposed action may be utilized by future planned facilities in the utility corridor, thereby consolidating facilities and potentially reducing environmental impacts within and near the utility corridor.

- 7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

An analysis of cumulative impacts is contained in Section 7 of the EA. Based on that analysis; it is my conclusion that the EA has not identified any significant cumulative impacts of the Proposed Action with related actions that might require preparation of an EIS. The Proposed Action is related to the SWIP project, insofar as it consists of two minor modifications of the existing SWIP ROW grant. The impacts of the existing ROW grant and SWIP project were considered significant as indicated by preparation of an EIS at the time those actions were approved. Those significant impacts have already been documented and taken into account in the initial decision. The proposed action will add minor incremental impacts to those initially studied and approved for the SWIP, which are not considered significant.

The Thirtymile Substation component of the Proposed Action has some relation to the Falcon-to-Gonder 345kV line, in the sense that relocation of the substation site in the Robinson Summit area is required, partly to accommodate the Falcon-to-Gonder transmission line. The direct, indirect, and cumulative impacts of that transmission line also have been studied in an EIS (the Falcon-to-Gonder EIS), as were the impacts of the Robinson Summit Substation at its initially approved location (SWIP EIS). The relocated substation also has some relation to the potential transmission lines that would enter the substation from the proposed White Pine Energy Station (WPES), proposed renewable energy projects, and other energy related projects to the north, in the sense that the proposed relocation will better accommodate any such lines. The impacts (direct, indirect, and cumulative) of those transmission lines, and of the relocated SWIP substation and other transmission lines in the substation area, are also being studied in the WPES EIS and Ely Energy Center EIS. While the WPES is unlikely to be constructed to full build-out without the SWIP, the SWIP has independent utility and all or a portion of it may be built in the absence of the WPES. In sum, no cumulatively significant impacts that would justify the preparation of an EIS, beyond the EISs and EAs that already have been or are being prepared, have been identified in this EA.

The southern extension component of the proposed action is generally unrelated to other actions in that area. As documented in the draft and revised EAs, there have been a number of other projects developed in the area of the southern extension. Almost all of those projects had federal components and thus were already studied in other EISs or EAs, and also have been considered and/or incorporated in the Las Vegas RMP and related EIS. Again, while the southern extension will add minor cumulative impacts in this area, no cumulatively significant impacts that would justify preparation of an EIS, beyond the EISs and EAs that already have been or are being prepared, have been identified in the EA.

The collocation of the SWIP and other planned linear facilities within a common utility corridor to the extent possible should minimize the cumulative effects to all environmental resources. In particular, by consolidating these facilities within an established utility corridor, future linear facilities will be located in a well-planned and previously modified setting, and may potentially benefit from long-term

access established for the SWIP (see Item 1), thereby reducing cumulative effects related to impacts resulting from the construction of additional new roads.

- 8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources.

As previously stated, the Proposed Action is likely to adversely affect cultural resources eligible for listing on the NRHP at the Thirtymile Substation site; however these effects will be mitigated through the implementation of the HPTP. The HPTP will be submitted to the Nevada State Historic Preservation Office for review and approval and would have to be implemented prior to the issuance of a notice-to-proceed with construction for those locations where cultural resource mitigation is prescribed.

- 9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has not been determined to be critical under the Endangered Species Act of 1973.

The Mojave Desert Tortoise is the only federally listed species that is present along the extension of the ROW to the Harry Allen Substation. This area is not designated by the U.S. Fish and Wildlife Service (USFWS) as Critical Habitat. Mitigation and compensation measures outlined in the BA (July 2007), BO (December 2007), and COM Plan (January 2008), including, but not limited to controlling the speed of vehicles on the ROW, limiting access to pre-determined and clearly flagged areas, and the presence of tortoise biologists, will help to avoid and minimize impacts to the Mojave Desert Tortoise. Tortoise biologists will be responsible for moving any found tortoises out of harm's way, to remove tortoises from burrows in construction areas, and to educate all construction personnel regarding the protocol for working in Mojave Desert Tortoise habitat areas. In addition, the decision regarding the distribution and appropriate use of mitigation remuneration for the disturbance of Desert Tortoise habitat has been determined through consultations with the USFWS and is included in the BO, located in Appendix B of the EA. The compensation for habitat is designed to ensure that there is no net loss of quality habitat for the tortoise. The ultimate objective of such compensation is to ensure that the number and viability of regional populations are not diminished.

No federally listed threatened or endangered species are likely to be affected by construction of the Thirtymile Substation.

- 10) Whether the action threatens a violation of federal, state, or local law or requirement imposed for the protection of the environment.

The Proposed Action will not violate, or threaten to violate, any federal, state, or local law or requirement imposed for the protection of the environment. The proposed action will be covered by the environmental permits and requirements that are required for and applicable to the SWIP – Southern Portion generally. These include the Nevada Utility Environmental Protection Act Permit that Great Basin must obtain from the Nevada Public Utility Commission, as well as permits from the Nevada Department of Environmental Protection (construction storm water and dust control), Clark County (including a dust control permit and a

special use permit), and Lincoln and White Pine counties (special use permits). The Proposed Action has also been covered by the BO prepared by the USFWS and is authorized by the U.S. Army Corps of Engineers under Nationwide Permit No. 12. There is no indication that the applicant will be unable to obtain any outstanding environmental permits or that the Proposed Action threatens to violate environmental laws.

Policy and Resource Updates

Prior to undertaking this EA, the BLM prepared a Determination of NEPA Adequacy (DNA) which included assessment of whether there had been resource or policy changes since preparation of the original SWIP EIS/ROD that justified further consideration. The DNA concluded that this EA should address 10 specified resource and policy updates. These updates are taken into account in the appropriate sections of the EA and summarized in EA Section 6.

Based on review of the EA, it is my determination that the SWIP – Southern Portion will be consistent with currently applicable policies and resource protection measures, and that there is not significant new information that requires additional NEPA analysis beyond that contained in the EA, and no supplemental EIS is required. The basis of this determination is summarized as follows:

Designated Critical Habitat for Mojave Desert Tortoise

The SWIP EIS included analysis of impacts to Desert Tortoise and Desert Tortoise habitat. The formal designation of critical habitat for the Desert Tortoise occurred just after release of the SWIP FEIS, but prior to the SWIP ROD and ROW grant. A BA and BO which included consideration of the newly designated Critical Habitat were available and taken into account when the SWIP ROD and ROW grant were issued in 1994. As summarized in Section 6.2 of the EA, and also as addressed in Sections 4.3.5.1, 5.2.1.6, 5.2.13, 5.3.1.5, 5.3.11, and 7.4.3, an updated BA and BO considering impacts to Desert Tortoise, including designated Critical Habitat and BLM Areas of Critical Environmental Concern (ACECs), were prepared for the entire SWIP – Southern Portion (i.e., not limited to the ROW modification areas). The terms and conditions of the BO issued by the USFWS are presented in the BO which has been included in Appendix B of the EA and the COM Plan. Based on review of the EA, BA, and BO, and taking into account the Desert Tortoise avoidance, mitigation, and compensation measures specified in those documents, which are included as enforceable conditions of the COM Plan, it is my determination that Desert Tortoise impacts have been adequately analyzed and mitigated and that no supplemental EIS is required.

Greater Sage Grouse

The SWIP EIS included analysis of impacts to Sage Grouse and Sage Grouse habitat. The Sage Grouse was a BLM sensitive species at the time, as it is now. The USFWS recently determined that listing of the Sage Grouse under the Endangered Species Act (ESA) was not justified, but is currently reviewing that determination. As documented in Section 6.3 of the EA, updated Sage Grouse surveys were conducted during the spring of 2006 and two known, active leks were located within 2 miles of the SWIP – Southern Portion. Mitigation to reduce the potential Sage Grouse impacts includes the modification of the transmission line location and

the use of steel H-frame structures (including perch deterrents) at locations specified by the BLM and Nevada Department of Wildlife, limitations on long- and short-term access, seasonal timing of construction, and the presence of Biological Monitors during construction activities. Based on review of the EA and taking into account the avoidance and mitigation measures that will be included as enforceable conditions of the COM Plan, it is my determination that Sage Grouse impacts have been adequately analyzed and mitigated and that no supplemental EIS is required.

Migratory Birds

While enactment of the Migratory Bird Treaty Act (MBTA) predated the SWIP EIS, increased emphasis is now being placed on potential impacts, and avoidance of impacts, to migratory birds, which include virtually all bird species found in the United States. The SWIP EIS included analysis of wildlife impacts, but did not specifically single out migratory birds. Potential impacts to migratory birds from the SWIP – Southern Portion are summarized in Section 6.4 of the EA, and also are addressed in Sections 3.2.4, 4.3.4, 5.2.1.4, and 5.3.1.4. Mitigation measures to avoid and minimize impacts to migratory birds include the presence of a biological monitor during the migratory bird nesting season, preconstruction surveys to identify potentially affected nests, flagged buffer zones around active nests, and selective use of flight deterrent devices to minimize avian collisions with transmission facilities. Based on review of the EA and taking into account the avoidance and mitigation measures that will be included as enforceable conditions of the COM Plan, it is my determination that the project will be consistent with the MBTA, that migratory bird impacts have been adequately analyzed and mitigated, and that no supplemental EIS is required.

Noxious and Invasive Weeds

BLM and Nevada resource agencies have placed an increasing emphasis on avoiding and minimizing the introduction and/or spread of noxious weeds and invasive species. The SWIP EIS did not include a specific analysis of noxious or invasive species. Section 6.5 of the EA summarizes noxious and invasive species issues for the SWIP – Southern Portion, which are also addressed in Sections 3.2.2, 4.3.2, 5.2.1.2, and 7.4.1. Based on the results of noxious weed surveys and a noxious weed risk assessment, the EA concludes that construction of the SWIP – Southern Portion would present a low to moderate risk of the spread of noxious weeds. A moderate risk indicates that preventative management measures should be implemented. To address this risk, the BLM is requiring Great Basin to prepare and comply with a Noxious Weed Management Plan, as well as a ROW Preparation, Rehabilitation, and Restoration Plan, both of which are incorporated in the COM Plan. These Plans are summarized in Section 6.5.2 of the EA. Based on review of the EA and taking into account the weed control and ROW rehabilitation measures that have been included as enforceable conditions of the COM Plan, it is my determination that the project will be consistent with the BLM noxious and invasive weed policies, that noxious and invasive species have been adequately analyzed and mitigated, and that no supplemental EIS is required.

Environmental Justice

Executive Order 12898, which requires consideration of a project's potential for disproportionately high or adverse impacts on minority or low-income populations, was issued in 1997. As summarized in Section 6.6 of the EA, there are no minority or low-income populations

in the area that would be affected by the SWIP – Southern Portion. (See also Sections 3.13.1.2, 4.12, 5.2.12.2, and 7.4.11).

VRM Classifications

The SWIP EIS included analysis of BLM Visual Resource Management (VRM) objectives. Since 1994, VRM designations within the Southern Nevada District in areas including portions of Coyote Spring Valley and the Harry Allen Substation area in Clark County have been modified from a VRM Class IV (allowing for major modification) to a Class III (partial retention). The Proposed Ely RMP designates the SWIP corridor as VRM Class IV for lands in Lincoln and White Pine Counties. Analysis of the updated VRM information is summarized in the EA in Section 6.7, and also in Sections 3.6, 4.7, 5.25, and 7.4.5. The SWIP ROD, by approving the SWIP and designating the SWIP corridor, and amending the applicable BLM land use plans to be consistent with those approvals, essentially allows for conformance with the VRM classification for the transmission line and corridor, so long as they incorporate BLM-recommended mitigation measures such as dulled towers and non-reflective conductors.

It is my determination that the SWIP remains consistent with VRM objectives, and that no supplemental EIS is required, because the SWIP has been located in a previously approved utility corridor, and modified VRM objectives will be met with the application of visual mitigation measures that are required as conditions of the COM Plan for the SWIP – Southern Portion.

Cultural Resources

The SWIP EIS included analysis of impacts to cultural resources, and as documented in the SWIP ROD, a National Historic Preservation Act (NHPA) Section 106 programmatic agreement (PA) was finalized, which required that prior to construction, a preconstruction field survey and a mitigation plan be completed and approved. Updated information regarding cultural resources is addressed in Section 6.8 of the EA, and also in Sections 3.3, 4.4, 5.2.2, 5.3.2, and 7.4.2. As summarized in the EA, in connection with preparation of the EA and COM Plan and pursuant to the PA, a detailed (Class III) cultural resource field survey has been conducted for the length of the SWIP – Southern Portion and has been documented in a cultural inventory survey report. Based on that report, a HPTP has been prepared for the project. These documents will be submitted to the State Historic Preservation Office and BLM, and the final HPTP, including approved mitigation measures, will be included in the COM Plan.

Based on review of the survey report, HPTP and EA, and taking into account the mitigation measures which will be required in the COM Plan, it is my determination that cultural resources have been adequately analyzed and will be adequately mitigated and that no supplemental EIS is required.

Tribal Consultation

Tribal consultation was conducted during preparation of the SWIP EIS. In connection with the cultural resources/NHPA compliance measures discussed above for the SWIP – Southern Portion, the BLM has been and will continue to consult with potentially affected Tribes, consistent with Executive Order 13007 (Indian Sacred Sites), the NHPA and applicable BLM policy. This is summarized in Section 6.9 of the EA. To date, no tribal concerns have been identified.

Threatened and Endangered and Sensitive Species

The SWIP EIS includes analysis of threatened, endangered and sensitive species. Since the SWIP ROD and ROW were issued in 1994, there have been changes and additions to the various species lists. An updated BA was prepared to assess potential impacts of the SWIP – Southern Portion on all pertinent species on the current lists of threatened, endangered, and sensitive species, which led to preparation of an updated BO addressing the Mojave Desert Tortoise. The results of the BA and BO are summarized in Section 6.10, and are also addressed in Sections 3.2.6, 4.3.5, 5.2.1, 5.3.1, 6.2, and 6.3 and 7.4.1. Avoidance and mitigation measures contained in the BO are incorporated as enforceable conditions in the COM Plan. The BO is found in Appendix B of the EA.

Based on review of the BA, BO, and EA, and taking into account the avoidance and mitigation measures which will be required in the COM Plan, it is my determination that threatened, endangered, and sensitive species have been adequately analyzed and will be adequately mitigated and that no supplemental EIS is required.

Clark County Non-Attainment

Since the SWIP ROD and ROW were issued in 1994, portions of Clark County have been designated as Clean Air Act non-attainment areas for the 8-hour ozone standard. The EA summarizes analysis of this issue in Section 6.11, and also Section 3.11.4, and concludes that there would be no impacts to ozone levels in the non-attainment areas from the SWIP – Southern Portion due to the insignificant quantities of volatile organic compounds and oxides of nitrogen (the precursors to ozone) emitted from construction vehicles and equipment. SWIP construction/maintenance activities will be required to comply with Clark County air quality requirements (e.g., Dust Control Permit), and dust and emission control mitigation measures, including watering roads, limiting disturbance, and restoration and monitoring practices described in the COM Plan will further assist in reducing impacts to air quality.

Based on review of the EA, and taking into account the mitigation measures required in the COM Plan, it is my determination that issues related to Clark County non-attainment status have been adequately analyzed, that air quality impacts will be adequately mitigated, and that no supplemental EIS is required.

In sum, taking into account the context and intensity of the environmental impacts that would result from the ROW modifications, and taking into account the mitigation measures that will be required as conditions of approval, it is my determination that there will not be significant direct, indirect, or cumulative impacts and that no EIS is required.



John Ruhs, Manager
Ely District Office

7/30/08
Date