

# RECLAMATION

*Managing Water in the West*

## **Overton Power District No. 5 Power Transmission Expansion Project**

**Finding of No Significant Impact and Environmental Assessment  
Addendum LC-14-30**

**Lower Colorado Region, Boulder City, Nevada**



**U.S. Department of the Interior  
Bureau of Reclamation  
Lower Colorado Region  
Boulder City, Nevada**

**January, 2016**

# Finding Of No Significant Impact (FONSI)

LC-14-30

for

## Final Environmental Assessment for Overton Power District No. 5 Power Transmission Expansion Project Environmental Assessment

Boulder City, Nevada

Based on a thorough analysis of the potential environmental impacts presented in the Environmental Assessment (EA), the Bureau of Reclamation (Reclamation) finds that implementation of the Proposed Action will not significantly affect the quality of the human environment within or adjacent to the project area, therefore an Environmental Impact Statement will not be prepared.

Accordingly, this FONSI is submitted to document environmental review and evaluation of the Proposed Action Alternative in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended.

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Recommended: *acting* [Signature] Date: January 26, 2016  
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Approved: [Signature] Date: February 3, 2016  
Chief, Resources Management Office

# Background

Overton Power District No. 5 (Overton Power), has filed a right-of-way (ROW) application with the Bureau of Land Management (BLM) and a right-of-use (ROU) application with Reclamation for the construction, reconstruction, operation, maintenance, and decommissioning of overhead transmission lines, substations, and associated facilities. Reclamation's action is the issuance of a ROU for approximately 1.0 mile of new 69 kV transmission line (new corridor) and 1.4 miles of reconstructed 69 kV transmission line in a 150 foot-wide corridor. Reclamation's ROU also includes an approximately 12 foot wide 1.0 mile long new access road within the new corridor, use of an existing two-track road as a temporary access road, and a 10 acre substation and associated facilities. The ROU also includes temporary construction sites for turning equipment and pulling and stringing of electrical line which extend outside of the 150 foot-wide corridor. Reclamation's action does not include Reclamation withdrawn or acquired lands located within the boundaries of Lake Mead National Recreation Area, as those lands are administered by the National Park Service.

Overton Power is a non-profit general improvement district (District) created in 1935 by the State of Nevada. Overton Power currently operates and maintains approximately 95 miles of power transmission lines, substations, and related facilities encompassing 1,932 square miles in eastern Clark County, Nevada. The District includes the City of Mesquite and the unincorporated communities of Bunkerville, Moapa, Glendale, Logandale, and Overton; Valley of Fire State Park, a portion of the Lake Mead National Recreation Area, and the Moapa Indian Reservation (Reservation). Overton Power estimates that it will reach electrical load capacity within five years, and is therefore proposing to add approximately 98 miles of new or replaced transmission line, 117 new transmission line structures, and 28.4 miles of access road to serve its growing industrial, commercial, and residential electrical customers to the year 2030.

In response to Overton's applications, BLM and Reclamation determined that an EA would be prepared in compliance with NEPA to assist with the identification of any potentially significant impacts that could result from the implementation of the Proposed Action. The BLM was the lead Federal agency for preparation of the EA and for compliance with the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA). The BLM prepared the *Overton Power District No. 5 Power Transmission Expansion Project EA* (DOI-BLM-NV-S010-2009-1020-EA). Reclamation participated as a cooperating agency for this effort and hereby adopts the Final EA. The Final EA for the Proposed Action incorporated by reference into this FONSI. Reclamation has also prepared an addendum to the Final EA to address Indian Trust Assets (ITA). The addendum can be found on page 12 of this FONSI.

## Alternatives Considered

A No Action Alternative and a Proposed Action were considered. Under the No Action Alternative, the proposed electrical transmission infrastructure, including high-voltage power lines and substations, would not be constructed. The BLM would not issue a ROW and Reclamation would not issue a ROU. Overton Power would not be able to meet the requests for additional and reliable electricity in the district.

The residents of the cities and towns within the project area, including the City of Mesquite, and the unincorporated communities of Bunkerville, Moapa, Glendale, Logandale, and Overton, Valley of Fire State Park, a portion of the Lake Mead National Recreation Area, and the Reservation would continue to be serviced by existing electrical infrastructure located within the District.

## The Proposed Action

Under the Proposed Action, Overton Power would construct and operate six new high-voltage substations, four new 230-kV overhead transmission lines, two new 69-kV overhead transmission lines; and rebuild one 69-kV overhead transmission line and one 138-kV overhead transmission line.

The planned expansion and improvements are divided into 3-year, 7-year, and 9-year phases, with the earlier phases addressing the most urgent needs. Reclamation's ROU is included in the 9-year phase. The Proposed Action would include surveying and staking, access road and substation construction, excavation and setting of power poles and support structures, and stringing of transmission lines.

The design, construction, operation, and maintenance of the new transmission lines would meet or exceed the requirements of the National Electrical Safety Code (NESC), U.S. Department of Labor Occupational Safety and Health Standards, U.S. Department of Agriculture, Rural Utilities Service, and Overton Power's requirements for safety and protection of landowners and their property.

## Environmental Commitments

Overton Power is required to comply with the environmental commitments, mitigation measures, and terms and conditions included in the following documents which are incorporated by reference into this FONSI:

- *Biological Assessment (BA), Overton Power District No. 5 Power Transmission Expansion Project, Clark County, Nevada. Submitted to USFWS in March 2014.*
- *Overton Power append to the Southern Nevada District Office Programmatic Biological Opinion (Biological Opinion), (File No. 84320-2010-F-0365.R002/ 84320-2013-F-0090) issued by USFWS as set forth in the stipulations contained in Exhibit A to the Bureau of Land Management's (BLM) Right-of-Way Grant N-87777.*
- *Overton Power District No. 5 Power Transmission Expansion Project EA, March 2014 including the Applicant-committed Practices listed below.*
- All stipulations contained in Exhibit A to the BLM's Right-of-Way Grant N-87777.

Overton Power will implement the following Applicant-committed Practices to reduce or eliminate resource impacts:

- Use existing roads to the extent possible and minimize upgrades to access roads.

- Minimize topsoil removal.
- Keep work sites clean by properly containing trash. All construction waste including trash, litter, garbage, other solid waste, and petroleum products, will be removed to a disposal facility authorized to accept such materials.
- Ensure vehicles and equipment are not leaking fluids and that fluid spills/leaks are contained and cleaned up on a regular basis.
- Keep fire extinguishers and first aid kits in all vehicles.
- Conduct a daily safety meeting onsite.
- Supply authorized biologists and/or desert tortoise monitors to monitor construction activities for environmental compliance and an authorized biologist to provide worker environmental awareness training for all onsite workers.
- Restrict all construction vehicle movement to pre-designated access, contractor acquired access, or public roads. Keep all vehicles within ROW/ROU and temporary disturbance areas. The limits of construction activities will be predetermined, with activity restricted to and confined within those limits. The ROW/ROU boundary will be flagged in environmentally sensitive areas described in the plan of development to alert construction personnel that those areas will be avoided.
- Clean and power wash all vehicles at established, identified wash areas and ensure they are free of soil and vegetation debris prior to initial entry onto the access roads.
- Leave all existing county and state roads in a condition equal to or better than their condition prior to the construction of the Proposed Action.
- Fences and gates on grazing lands, if damaged or destroyed by construction activities, will be repaired or replaced to their original predisturbed condition as required by the landowner or the land management agency.
- Construction holes left open overnight will be covered to prevent livestock or wildlife from entrapment.

Overton Power shall follow the additional required measures, listed below by resource area:

### **General**

Reclamation shall be provided with a Plan of Development for the 9-year phase for review prior to authorization of construction.

## **Soils and Water Resources**

Overton Power is responsible for preparing and complying with a Stormwater Pollution Prevention Plan.

## **Vegetation and Noxious Weeds**

Overton Power must comply with the *Restoration Plan for the Overton Power 9-Year Plan Clark County, Nevada*, dated July 2013 (Restoration Plan) contained in Appendix B to the *Overton Power District No. 5 Power Transmission Expansion Project EA* or as revised and approved by the BLM. Overton Power shall provide Reclamation with copies of the As-Built Report, Progress Reports, Annual Reports, and Final Report which are provided to the BLM as outlined in Sections 4.3.1, 4.3.2, 4.3.3, and 4.4 of the Restoration Plan.

Overton Power must comply with the *Weed Management Plan for the Overton Power 9-Year Plan Clark County, Nevada*, dated February 7, 2014 (Weed Management Plan) contained in Appendix G to the *Overton Power District No. 5 Power Transmission Expansion Project EA* or as revised and approved by the BLM. Overton Power shall provide Reclamation with copies of any pesticide use proposals submitted to the BLM for activities on Reclamation land.

## **Special Status Species**

Overton Power must comply with the *Raven Management Plan for the Overton Power 9-Year Plan Clark County, Nevada*, dated February, 2014 (Raven Management Plan) contained in Appendix E to the *Overton Power District No. 5 Power Transmission Expansion Project EA* or as revised and approved by the BLM. Overton Power shall provide Reclamation with copies of the annual monitoring summary reports submitted to the BLM, U.S. Fish and Wildlife Service (Service), and Nevada Department of Wildlife (NDOW).

In order to insure compliance with Nevada Administrative Code 503.080, 503.090 and 503.093, the listed actions are required following an encounter with a banded Gila monster during construction activities.

- Any encounters during the project construction must be reported immediately to NDOW at telephone number (702) 486-5127.
- Live Gila monsters found in harm's way on the construction site will be captured and detained in a cool, shaded environment (<85°F) by the project biologist trained in handling venomous reptiles until a NDOW biologist can arrive for documentation purposes. A clean 5-gallon plastic bucket with a secure ventilated 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. Written information identifying mapped capture location, date, time, circumstances, and habitat description will also be provided to NDOW.
- Injuries to Gila monsters may occur during excavation, 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 during normal business hours. If an animal is killed or found dead, the carcass will immediately be frozen and transferred to NDOW with a complete written description of the situation, circumstances, habitat, and mapped location.

- Should NDOW assistance be delayed, biological personnel on site may be requested to remove and release the Gila monster out of harm's way. Should NDOW not be immediately available to respond for photo-documentation, a digital (5 mega-pixel or higher) or 35mm camera will be used to take good quality photographs of the Gila monster in situ at the location of live encounter or dead salvage. The pictures will be provided to NDOW and will include: encounter location (landscape overview with Gila monster in clear view); a clear overhead shot of the entire body with a ruler for scale (Gila monster should fill the camera's field of view); an overhead close-up photo of head only.

## **Environmental Impacts and Findings**

Implementation of the Proposed Action will not result in significant impacts to any of the resources evaluated in the EA. The reasons for this determination are summarized by resource below. The EA evaluated impacts to Areas of Critical Environmental Concern (ACEC) and Rangeland Management. These are not discussed below because the ACEC designation applies only to BLM managed land and Reclamation has not issued any grazing permits on the Reclamation land within the Project area. The EA did not identify any significant impacts to these resources on BLM land.

### **Climate and Air Quality and Greenhouse Gases**

Project emissions would consist primarily of particulate matter less than 10 microns in diameter (PM10) and the majority would be short-term and localized in nature. A low level of vehicle emissions and dust would be generated during semi-annual visits from maintenance vehicles. No violations of applicable state or Federal air quality regulations or standards would be expected to occur as a result of direct or indirect project-related emissions from project-related activity (including both construction and operation). No cumulative impacts to climate or air quality were identified because emissions generated by equipment used during construction and operation of the Proposed Action would not add noticeably to deterioration of regional air quality. The emissions are not expected to have a quantifiable impact on Regional greenhouse gas emissions. Implementation of dust-control measures would prevent cumulative impacts from dust generated during construction and maintenance.

### **Wild and Scenic Rivers**

Under the Proposed Action, two existing spans of the transmission line that cross the Virgin River, portions of which are eligible for designation as Wild and Scenic Rivers, would be rebuilt; however, construction activities would occur outside the river corridor. Therefore there would

be no direct, indirect, or cumulative impacts to eligible Wild and Scenic Rivers as a result of construction or operation of the Proposed Action.

### **Cultural Resources/Traditional Cultural Properties/Sacred Sites**

The BLM is the lead Federal agency for compliance with Section 106 of the NHPA for the project. A Class I investigation and Class III Cultural Resource Survey were completed. Two sites were recorded on Reclamation managed lands, both of which were recommended not eligible for listing on the National Register of Historic Places (NRHP). There were NRHP sites found on BLM land, but they will be avoided through project redesign and monitoring. An overall finding of no adverse effect to historic properties was made for the project.

The BLM has undertaken consultation with local Tribes that may attach religious and/or cultural significance to historic properties that may be affected by the Proposed Action. No Traditional Cultural Properties or Sacred Sites have been identified. The Hopi Tribe would be requested to review and provide comment on any site-specific mitigation plans prepared for sites potentially affected by the Proposed Action.

### **Paleontological Resources**

Research on fossils in the project area indicated that although area has potential for vertebrate fossils, their presence has been infrequent and the condition of the fossils has been poor. Field surveys were conducted for paleontological resources with one new location identified. There is potential for exposure and damage to paleontological resources during construction activities but these impacts were found to be minimal as a result of a mitigation measure for unanticipated discoveries of fossils.

The Proposed Action, in combination with other reasonably foreseeable projects in the area, would not contribute to a cumulatively significant effect to paleontological resources due to the mitigation of impacts.

### **Soils**

Potential soil impacts resulting from the Proposed Action are loss of productivity due to soil horizon mixing or soil compaction and increased potential for erosion as a result of disturbance. These impacts were not found to be significant due to the Applicant Committed Practices and implementation of the Restoration Plan which will minimize damage resulting from erosion and prevent acceleration of natural-erosion processes. Significant cumulative impacts to soils are not anticipated because construction impacts from the Proposed Action would be short-term in duration and would not occur simultaneously with any other projects proposed in the area.

### **Vegetation**

The Proposed Action would result in disturbance of vegetation on Reclamation managed land within the new and existing powerline corridor, the temporary construction sites, and at the substation site. This includes approximately 13 acres of new permanent disturbance from



transmission poles, the new access road, and the substation. The remainder of the area to be disturbed would be re-vegetated in accordance with the Revegetation Plan. The direct impact to vegetation at all permanent disturbance locations would include the loss of all vegetation except for cacti and yuccas which would be salvaged and planted elsewhere in the ROW as outlined in the Revegetation Plan. Topsoil removed from areas of permanent disturbance would also be salvaged and utilized for site restoration. The acres of permanent disturbance were not found to be significant as the majority of disturbed acres would be revegetated, the Applicant Committed Practices would minimize new disturbance, and the area to be disturbed is a common vegetation type which is present throughout much of the project area.

Future construction related to power infrastructure, wind and solar energy projects, gas exploration, and transportation projects could all result in alteration of vegetation. Cumulative impacts from the Proposed Action would be minimal because of the project mitigation measures.

### **Non-Native, Invasive Species and Noxious Weeds**

Project activities may facilitate the introduction or spread of noxious weeds and invasive plants. A noxious weed inventory was completed for the project area and a Weed Management Plan prepared. This Weed Management Plan includes measures and monitoring to minimize the spread of noxious weeds and will prevent significant impacts.

### **Special Status Species**

The BLM is the lead Federal agency for compliance with Section 7 of the ESA. Reclamation lands are included in the ESA Section 7 coverage under the Biological Opinion (BO) for the Project, giving BLM the discretion to enforce the measures of the Biological Opinion on Reclamation land. The BLM requested formal consultation with the USFWS regarding the project's potential impact to the Mojave desert tortoise. USFWS appended this action to the programmatic BO that determined the project is not likely to jeopardize the continued existence of the Mojave desert tortoise and no critical habitat will be affected. Through a combination of applicant proposed protective design features, avoidance and minimization measures set forth in the BA, and the terms and conditions of the BO, impacts to the Mojave desert tortoise shall be avoided or minimized.

Five other federally-listed species are known to occur within the vicinity of the project area: southwestern willow flycatcher (*Empidonax traillii extimus*), yellow billed cuckoo (*Coccyzus americanus*), Yuma clapper rail (*Rallus obsoletus yumanensis*), Virgin River chub (*Gila seminuda*), and woundfin (*Gila seminuda*). Designated critical habitat for the southwestern willow flycatcher occurs on the Virgin River. The yellow-billed cuckoo was a candidate for Federal listing when the EA was prepared, it is now Federally listed as threatened. Critical habitat for the yellow billed cuckoo is proposed on portions of the Muddy and Virgin Rivers that the Proposed Action would cross.

The BLM made a *may effect, not likely to adversely effect* determination for the southwestern willow flycatcher and *no effect* determinations for the yellow-billed cuckoo, Yuma clapper rail, Virgin River chub, and woundfin. Mitigation measures to protect nesting birds during the breeding season and minimize impacts to riparian habitat will be implemented. No mitigation

measures were identified for the Virgin River chub or woundfin because the Proposed Action would span the Muddy River, preventing impacts to fish species.

Impacts to three BLM special status plant species will be mitigated through off-site conservation.

### **Wetlands and Riparian Zones**

Wetlands were avoided in the design and layout of the Proposed Action; therefore there would be no impacts to wetlands with implementation of the Proposed Action.

### **Floodplains**

Floodplains were evaluated with respect to Section 404 of the Clean Water Act and Executive Order 11988 "Floodplain Management". There is a possibility that some relatively minor drainage diversions would be created due to the grading for the Proposed Action. These minor drainage diversions would be evaluated as part of the final engineering design and constructed such that drainage facilities are adequate to handle increased flows. Impacts related to floodplains for individual structures and roads would be negligible. No changes would occur to the drainage patterns of the floodplains crossed.

### **Surface Water and Groundwater Quality**

Proper design and engineering of the Proposed Action and the implementation of the Storm Water Pollution Prevention Plan would reduce any effects to the drainage patterns and surface water quality. Implementation of these mitigation measures would insure that the surface and groundwater would not be significantly degraded. The overall impact to surface water would be insignificant if all recommendations are implemented during the construction of the Proposed Action. The Proposed Action would, therefore, have no long-term impact on the groundwater resources located in the project area.

Surface water and groundwater rights and/or sources would not be adversely affected because the Proposed Action would have very little water demand.

### **Hazardous or Solid Wastes**

The Applicant Committed Measures to reduce and contain waste will prevent any direct, indirect, or cumulative impacts from hazardous or solid wastes.

### **Environmental Justice**

The Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority and low-income populations. Portions of the Proposed Action are located in close proximity to the Reservation, although no Reservation lands would be crossed by the Proposed Action. No impacts to the Reservation have been identified. No cumulative impacts were identified because no direct or indirect Environmental Justice impacts were identified.

## **Transportation and Access**

Construction of the Proposed Action would result in a slight increase in traffic on I-15, SR-168, SR-169, and SR-170 as a result of transporting construction workers, machinery, and materials to and from construction areas. No measurable direct, indirect, or cumulative impacts were identified.

## **Fuels and Fire Management**

Potential impacts from wildfires within the project area are expected to be low. Project-specific measures, including the development of a Weed Management Plan, would reduce the potential for a fire and/or insure timely suppression if a human-caused fire were to ensue.

## **Noise**

Noise generated at individual sites within the project area could briefly and sporadically exceed 55 dBA for short periods of time between 7 a.m. and 7 p.m. during construction of the Proposed Action. According to Occupational and Health Administration standards (OSHA), 55 dBA is the maximum acceptable level of noise for a sustained period of time. Impacts from noise would be short-term and temporary during construction. When construction and reclamation of construction-related disturbance are complete, project-related noise would be limited to transient noise generated by semi-annual maintenance and repair vehicles and activities. Because noise from the Proposed Action would be short-term and temporary, minimal cumulative impacts were identified.

## **Health and Safety**

Occupational hazards related to construction, operation, and maintenance; firearms-related risks due to proximity of recreational shooting; and wildfire risk were all identified as potential health and safety risks. These risks would be minimized by implementation of OSHA standards and workplace safety measures. Cumulative impacts related to health and safety were not identified.

## **Recreation**

Construction of the Proposed Action would temporarily interrupt the use of portions of the project area for dispersed recreational activities. These impacts would be minimal because other opportunities for dispersed recreation are available in the vicinity.

Activities and noise associated with the construction of the Proposed Action, when added to existing and reasonably foreseeable actions in the area, could diminish the quality of recreational activities in the immediate area for some users during the 9-year construction period. However, the low use of the area for recreational activities and the availability of many nearby areas for the same activities would reduce these impacts to a minimal level.

## **Visual Resources**

Sensitivity Levels, distance zones, and Visual Resource Inventory (VRI) Classes would not be affected by the Proposed Action because the local setting in which the project is proposed has been highly modified by existing transmission line facilities. The project added to this modified setting would not affect these components of the VRI, and therefore existing VRI Classes are not expected to be impacted. Impacts to specific Key Observation Points (KOPs) along the alignment are expected to be low.

The proposed transmission line would mostly parallel existing transmission lines within an existing designated utility corridor. Additional transmission lines within the designated corridor from reasonably foreseeable projects if constructed, will add further to the visual impacts in these areas. Cumulative impacts from the Proposed Action were not found to be significant as this concentration of transmission lines was anticipated when the corridor was designated, visual impacts are already present from the existing transmission lines, and mitigation measures will be implemented to minimize impacts.

## **Geology**

Direct impacts to geologic resources from the Proposed Action would be minimal, since construction and excavation activity would be limited to surface and near-surface deposits. No indirect or cumulative impacts are anticipated.

## **Socioeconomics**

The economic effects of constructing the transmission line would have little discernible effect on the overall levels of personal income and employment in the region. However, some positive effects would result during construction, not only in the form of direct employment, but also from procurements of construction materials and services from local suppliers and businesses. More substantially, the project would benefit the economy over the long-term by maintaining reliable electric power service for the growing number of residents, industries, and renewable energy projects in the region. Given the small effect to overall levels of personal income and employment in the region, the Proposed Action was not found to have a measurable cumulative impact to socioeconomics.

## **Indian Trust Assets**

The Proposed Action would have a beneficial impact to the Moapa River Indian Reservation, an ITA, as upgrading the transmission line will improve the reliability of the electric service to the Reservation. No other direct, indirect or cumulative impacts to the Reservation of other ITAs were identified.

## **Reclamation Addendum to Overton Power District No. 5 Power Transmission Expansion Project Environmental Assessment**

This addendum provides additional information for the *Overton Power District No. 5 Transmission Expansion Project Environmental Assessment (EA)*, dated March, 2014. The purpose of this addendum is to allow the Bureau of Reclamation (Reclamation) to determine if there would be any significant impacts to Indian Trust Assets (ITA) from the Proposed Action evaluated in the EA.

Reclamation's ITA Policy, dated July 2, 1993, requires evaluation of the potential effects of proposed actions on ITA's. Reclamation's ITA Policy defines ITAs as "legal interests in property held in trust by the U.S. for Indian tribes or individuals". ITAs are those properties, interests, or assets of a Federally recognized Indian tribe or individual Indian over which the Federal government also has an interest, either through administration or direct control. The Federal government acts as a trustee with respect to these properties, interests, or assets. Examples of ITAs include lands, minerals, timber, hunting rights, fishing rights, water rights, in-stream flows, and other treaty rights.

All Federal bureaus and agencies are responsible for protecting ITAs from adverse impacts resulting from their programs and activities. Each Federal bureau or agency, in cooperation with potentially affected tribe(s), must inventory and evaluate assets, and then mitigate or compensate for adverse impacts to the asset. While most ITAs are located on reservation lands, they can also be located off-reservation.

The project area was evaluated for the presence of ITAs and potential impacts. Portions of the alignment of the Proposed Action are located in close proximity to the Moapa River Indian Reservation (Reservation), an ITA. The Proposed Action does not cross the Reservation. The Reservation is included in the service area for Overton Power. The Proposed Action would have a beneficial impact to the Reservation as upgrading the transmission line will improve the reliability of the electric service to the Reservation. No negative impacts to the Reservation or other ITAs were identified.