

DRAFT DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT

634 LINE REBUILD PROJECT – FOOTHILL ROAD TO TRAMWAY DRIVE

U.S. FOREST SERVICE
LAKE TAHOE BASIN MANAGEMENT UNIT (LTBMU)

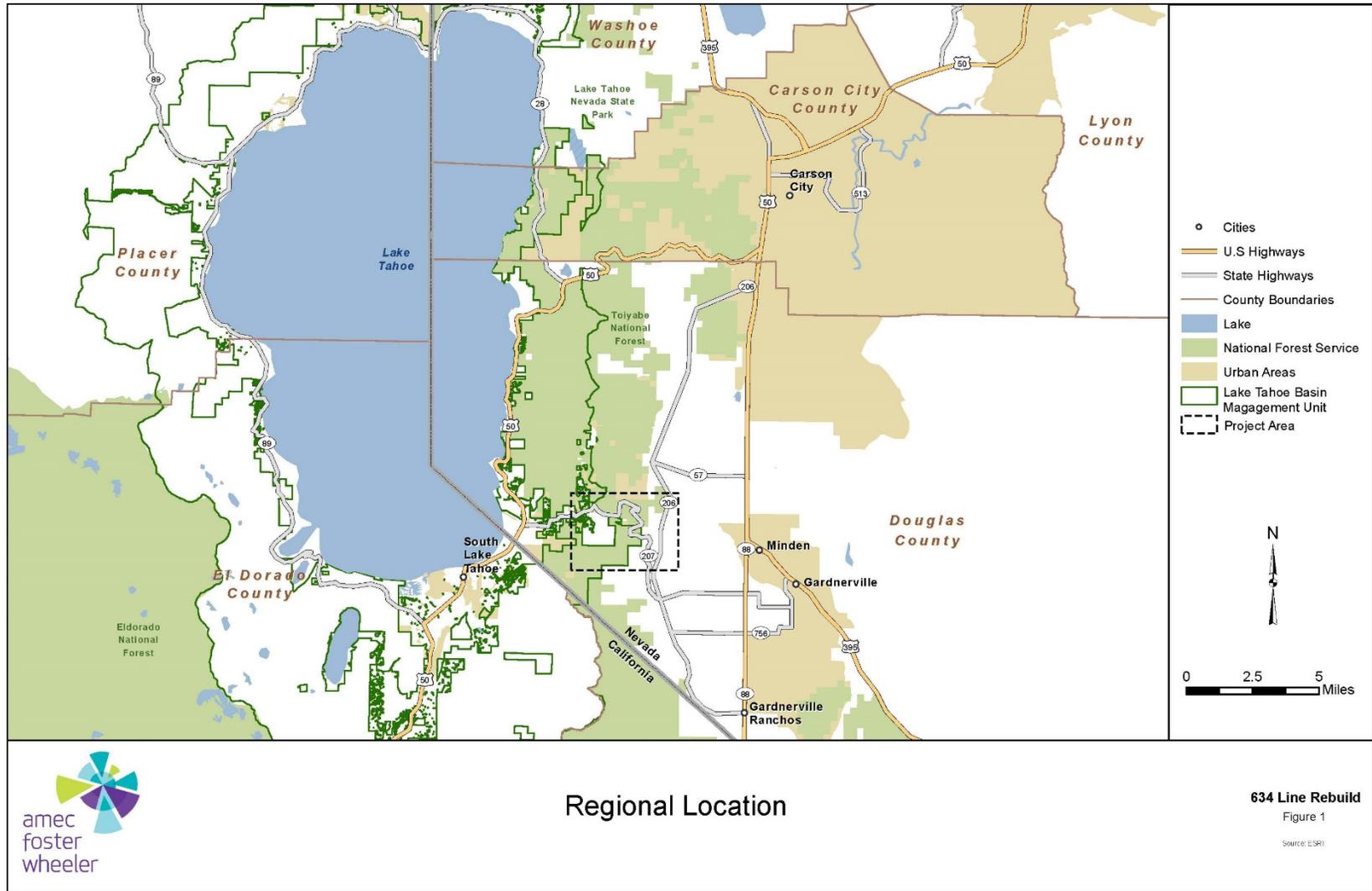
DOUGLAS COUNTY, NEVADA

BACKGROUND

This project consists of the rebuild of an existing 2.67-mile, 60-kilovolt (kV) transmission line, known as the 634 Line Rebuild from Foothill Road in the Carson Valley to Tramway Drive near the Heavenly Valley Ski Resort in Douglas County, Nevada. (See Figure 1). The portion of the 634 Line to be rebuilt is located on the eastern slope of the Sierra Nevada Mountains, adjacent to Carson Valley in Douglas County, Nevada. The project begins at Foothill Road at 4,800 feet above mean sea level (AMSL), and approximately 1 mile south of the intersection of Foothill Road and State Highway 757 (Muller Road) near Minden, Nevada. The 634 Line travels uphill, crossing and paralleling State Route 207 (SR 207, Kingsbury Grade) through Sections 19, 27, 28, 29, and 30 of Township 13 North, Range 19 East (T13N, R19E) of the Mount Diablo Base and Meridian (MDB&M); the Line crosses SR 207 at three separate locations at the bottom half of the project. The project ends on the top of Daggett Pass at approximately 7,500 feet AMSL adjacent to a knoll on the west side of Tramway Drive near the Upper Kingsbury community, outside the Lake Tahoe Basin. The existing transmission line (see Figure 2) continues on to Liberty Energy’s Stateline substation, which is within the Lake Tahoe Basin. Approximately 1.65 miles of the transmission line occur on private land; approximately 1.02 miles of the transmission line occur on NFS lands.

The 634 Line was installed in 1956 from the Buckeye substation north of Minden, Nevada to the Stateline substation near Stateline, Nevada. In the late 1980s a new transmission line to the Kingsbury substation was “tapped” from the 634 Line. Due to challenging terrain and difficult access, maintenance on the transmission line has been limited to vegetation management and the occasional replacement of downed or damaged poles.

Figure: 1 Regional Location



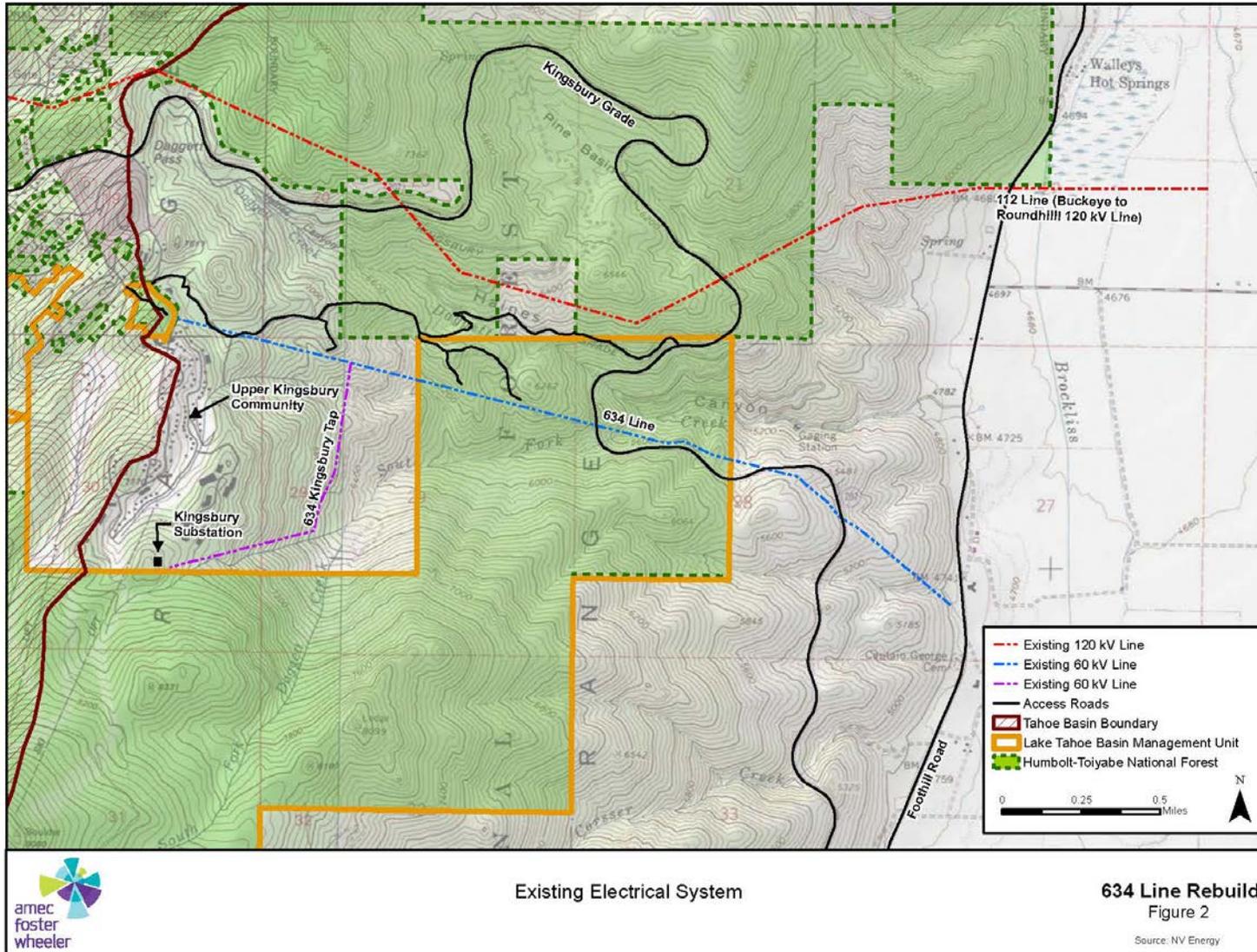
Regional Location

634 Line Rebuild
Figure 1
Source: ESRI

634 Line Rebuild Project
Foothill Road to Tramway Drive

— Decision Notice and Finding of No Significant Impact —

Figure 2: Existing Electrical System



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Foothill Road to Tramway Drive

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The eastern side of the Kingsbury Grade portion of the line has experienced numerous outages and an occasional pole fire, prompting the proposed project.

NV Energy (NVE), the project proponent, proposes to reconstruct the 2.67-mile portion of the 634 Line at 120 kV standards to meet current avian protection construction guidelines; however, the transmission line would continue to be operated at 60 kV. NVE also proposes to reconstruct the 634 Line to provide reliable electrical capacity, ensure the existing facilities meet current federal and state electricity regulations and safety standards, reduce the risk of wildland fire and wind hazards associated with the existing poles and encroaching vegetation along the line; and provide more efficient and reliable accessibility for operation and maintenance activities. The existing Right-of-Way (ROW) within NFS lands occurs within approximately 6.22 acres; the revised ROW would encompass approximately 10.94 acres, increasing the ROW corridor by approximately 4.72 acres.

The Proposed Action on NFS lands consists of the following: 1) the replacement or topping of the 20 existing wooden poles that are approximately 45 feet tall with 5 new two pole H-frame¹ structures that would be 60 to 80 feet tall; and 2) the completion of minor road improvements, along existing roadways, on parcels 1319-00-002-018, 1319-00-002-019, and 1319-19-803-001.

DECISION

I have reviewed the 634 Line Rebuild Project Environmental Assessment (EA), the Project Record, and the Comments received.

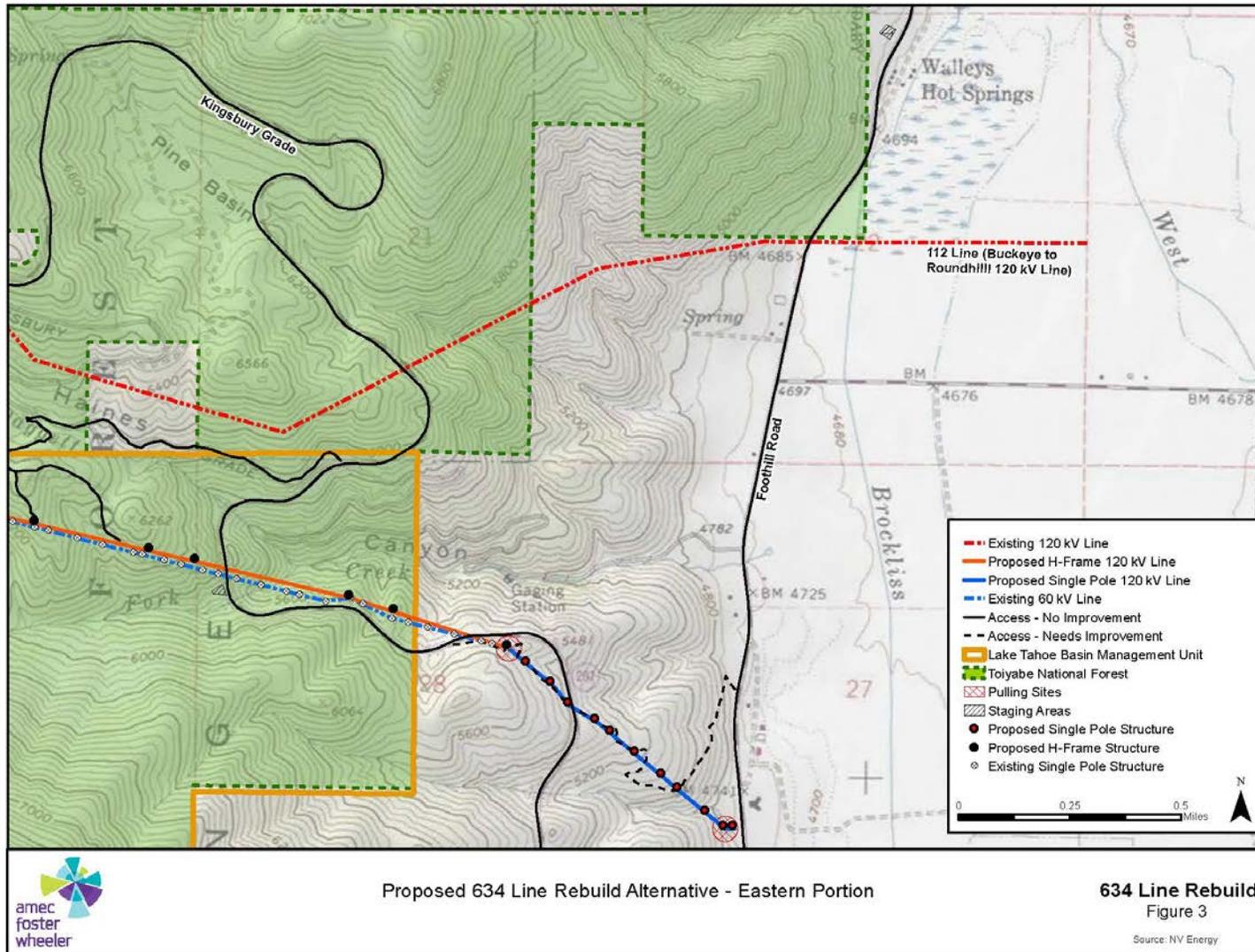
I have decided to implement Alternative 1 as described below and in the EA (Chapter 2.1). In summary, the selected alternative will provide for reliable electrical capacity to assure adequate service to customers in the Upper Kingsbury Grade and Heavenly Valley areas, ensure the existing facilities meet current federal and state electricity regulations and safety standards, reduce the risk of wildland fire and wind hazards associated with the existing poles and encroaching vegetation along the line, and provide more efficient and reliable accessibility for operation and maintenance activities. My decision includes the implementation of the Environmental Protection Measures as described in the EA (Chapter 2).

ALTERNATIVE 1

See Figures 3 and 4 for graphic representation of the selected alternative.

¹ H-Frame Structure: A two-pole structure design that allows the transmission line to span longer distances over varying topography (i.e. deep ravines, mountain peaks)

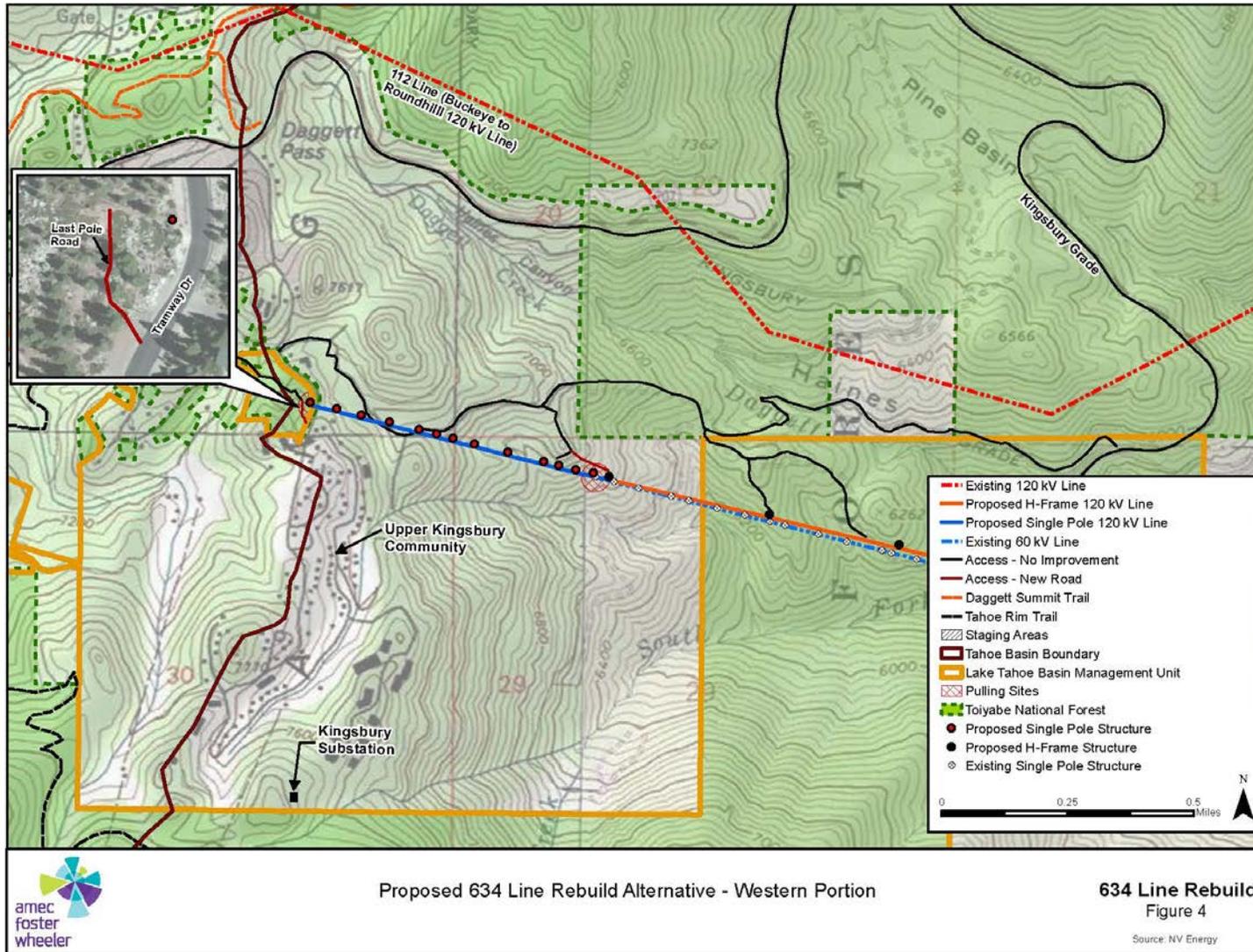
Figure 3: Proposed 634 Line Rebuild Alternative: Eastern Portion



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Figure 4: Proposed 634 Line Rebuild Alternative: Western Portion



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The specific activities proposed under Alternative 1 include:

- The first phase of the project includes right of way (ROW) and pre-construction preparation and will consist of the following activities: staking of the alignment such that sensitive biological or cultural areas are indicated; improvements to 0.05 acres of existing access roads on NFS lands; and limited tree removal as described in the EA.
- The second phase of the project would involve the reconstruction of the 634 Line. Specific construction activities are described in Section 2.1, Phase 2 of the EA and will be phased in order to keep the Kingsbury substation energized throughout the construction process. Activities will include installation of new single pole structures and H-frame structures through the canyon in order to reduce impacts to the forest; installation of the 60 kV conductors; and removal or topping of old poles and removal of old conductors.
- The third phase of the project involves the installation of a combination of single pole, two-pole H-frame, and three-pole angle and dead-end structures. The existing line has a Charter Communications fiber underbuild² running the length of it. In the area that goes through the canyon, the single poles will be replaced by H-frame poles. The single poles will be topped, removing the transmission line's cross-arm, insulators, and transmission conductors. This would leave a single pole fiber line that would consist of poles approximately 40 feet tall along the central portion of the project area. The new single pole structures would be sized to accommodate a distribution and fiber underbuild.
- The fourth phase of the project will involve the reclamation of the construction areas. Pre-existing access roads and spur roads would remain improved, with the exception of the new temporary roadway to Structure P31. After project construction, this roadway would be decommissioned and restored. Overland travel routes, if created, would be reclaimed to preconstruction conditions. Areas within the ROW disturbed by construction activities would also be recontoured, decompacted, and seeded. USFS-approved seed mixes would be applied to these disturbed areas. NVE would attempt to close or restrict vehicle access to areas that have been seeded until the reclamation success criteria have been satisfied.
- All phases of the project are expected to be completed in approximately six to eight months, with implementation beginning as early as mid-June 2016.

² Underbuild(t): A distribution line or circuit attached to a transmission line.

DECISION RATIONALE

I have decided to implement Alternative 1 for the following reasons:

1. It is fully responsive to the Purpose and Need (EA, Section 1.5).

Alternative 1 addresses the project objectives of providing reliable electrical capacity within the area, ensuring existing facilities meet current federal and state electricity regulations and safety standards, reducing the risk of wildland fire and wind hazards, and providing more efficient and reliable accessibility for operation and maintenance activities. In addition, Alternative 1 includes Environmental Protection Measures to reduce potential impacts and cumulative effects resulting from implementation of the project (see item 3 below).

2. The selected alternative meets the desired conditions (EA, Section 1.4).

Alternative 1 addresses the limited maintenance issues of power outages experienced along this line and occasional pole fires, thereby providing a reliable electricity source. The project also addresses the need to upgrade the line based on current federal and state electricity regulations and safety standards. The project also reduces the risk of wildland fire and wind hazards. Alternative 2 (No Action) would still provide for electrical power distribution, but none of the protections and upgrades would be constructed; therefore it does not meet the desired conditions.

3. The selected alternative provides a comprehensive, rigorous, and thorough set of Environmental Protection Measures (Appendix A) that are specifically designed to minimize adverse environmental effects.

These measures have been demonstrated to be effective in mitigating effects. The selected alternative and the Environmental Protection Measures reflect a cooperative effort by the Forest Service, other public agencies, and interested members of the public to meet the need for action in a way that protects natural resources.

4. The selected alternative is consistent with the LTBMU Forest Plan.

This decision is consistent with Forest Service goals, standards, and guidelines as outlined in EA Sections 1.6 and 1.8. The decision will allow for issuance of an amendment to the current NV Energy special use permit (Permit # TOI401402), and the current Charter Communications special use permit (Permit # TOI407101).

ALTERNATIVES CONSIDERED

In addition to the selected alternative (Alternative 1), I also considered the following no action alternative (Alternative 2) in detail (EA Section 2.1):

No activities would occur on federal lands and the existing 60 kV transmission line between Foothill Road and Tramway Drive would continue to operate under current conditions and include routine operation and maintenance activities.

ALTERNATIVES CONSIDERED BUT NOT IN DETAIL

In addition to those alternatives considered in detail, there was one alternative to the Proposed Action that was considered, but not developed for detailed analysis. This alternative would replace the existing wood poles with single pole steel poles along the entire 2.67-mile portion of the 634 Line, instead of replacing the middle portion with H-frame structures. Although technically feasible to construct, this alternative would result in limited accessibility for routine operation maintenance and emergency response. Because of these factors this alternative did not meet NVE's purpose and need objectives for improved access for routine maintenance, repairs, and emergency response, and so was eliminated from further analysis.

PUBLIC INVOLVEMENT

The public scoping notice was posted on the Nevada Clearinghouse, NVE, and the USFS-LTBMU websites. A scoping letter was mailed to a total of 13 stakeholders, government agencies, and interested parties on April 28, 2015. A scoping letter was published in the Tahoe Daily Tribune and the Record Courier regarding the scoping of this project and identifying how the public could learn more and comment on the proposal. The public scoping period was conducted between May 1, 2016 and May 30, 2015. Four scoping comment letters were received as follows:

- **Dave McClure (general public):** commenter requested additional information on the project.
- **Andrew Strain (Heavenly Mountain Resort):** commenter supported the overall project proposal.
- **Skip Canfield (Nevada Division of State lands):** commenter recommended outdoor lighting measures, if nighttime lighting was proposed.
- **Julie Ernstein (Nevada State Historic Preservation Office):** commenter noted that the utility infrastructure along the 634 Line is greater than 50 years old and the agency awaits the initiation of Section 106 consultation under the National Historic Preservation Act (NHPA) of 1966.

A 30-day public comment period was conducted between February 3, 2016 and March 3, 2016. A Notice of Availability (NOA) was published once in the Tahoe Daily Tribune on February 3, 2016. The NOA was also posted on the NV Clearinghouse, NVE, and USFS-LTBMU websites. In addition, mailings were sent to federal, state, and bi-state, and local

agencies, and private property owners within 300 feet of the project area. A total of five written or electronic comment letters were submitted during the project public comment period. These comments were somewhat general in nature as follows:

- **Nevada Division of Water Resources (NDWR):** The NDWR indicated that all water used for construction, dust control of maintenance within the project area must be provided by an established utility or under permit or temporary change application or waiver. Water used for the proposed action will be supplied by a State Engineer-approved and permitted municipal water source to be determined by the contractor at the time of construction.
- **Nevada State Historic Preservation Office (NV SHPO):** The NV SHPO indicated that consultation should occur due to the age of the resource being in excess of 50 years. The consultation process was initiated in July 2015 and concluded on October 1, 2015 with a finding of No Adverse Effect. The NV SHPO and LTMBU also agreed that a flag-and-avoid strategy would be used to avoid a cultural resource of significance recognized by the Washoe Tribe of California and Nevada.
- **Nevada Division of Environmental Protection (NDEP), Bureau of Water Pollution Control (BWPC):** The NDEP BWPC indicated that the project may be subject to BWPC permits if discharges to surface or groundwater is anticipated. The EA has summarized the permits required for this project in Section 2.4.
- **Heavenly Mountain Resort and The Ridge at Lake Tahoe Resort:** Both Heavenly Mountain Resort and The Ridge at Lake Tahoe Resort wrote letters of support for the project.

FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an Environmental Impact Statement (EIS) will not be prepared. I base my finding on the following:

1. **Beneficial and adverse impacts** – My finding of no significant environmental effects is not biased by the beneficial effects of the action (EA, Chapter 3). Environmental Protection Measures implemented will mitigate effects to less than significant levels.
2. **The degree to which the proposed action affects public health or safety** – There will be no significant effects on public health and safety. The project involves routine work that has occurred and continues to occur within and near the project area. Signs will be posted warning public users of project activities, such as vehicles using the road and equipment usage. A short-term Forest Order closing a portion of the project area during implementation could occur depending upon visitor use and the timing of implementation activities. Overall Alternative 1 provides for the greatest margin of long-term downstream public safety by upgrading the existing transmission line facilities to ensure reliable electrical power.
3. **Unique characteristics of the geographic area** – The project area includes riparian, mixed conifer, Jeffery Pine, and big sagebrush vegetation communities. Full

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implementation of the project design features is considered adequate to protect botanical resources from significant effects associated with the implementation of Alternative 1 (EA, Chapter 3).

4. **The degree of controversy over environmental effects** – Public involvement with interested and affected individuals and agencies throughout the environmental analysis did not identify concerns regarding the environmental effects from the implementation of Alternative 1. The EA adequately addresses potential concerns and accurately discloses potential environmental effects.
5. **The degree to which the possible effects on the human environment are highly uncertain or involves unique or unknown risks** – The LTBMU has considerable experience and success with the types of activities to be implemented. The effects analysis in the EA shows that overall effects are not uncertain, and do not involve unique or unknown risk (EA, Chapter 3). The effects analysis shows that most resources will be affected on only a temporary, negligible, short-term, or minor basis. The process of upgrading a transmission line is well known and has been successfully implemented by NVE in a variety of situations, other nearby locations in the region, and at scales similar to the 634 Line project.
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 will not establish a precedent for future actions with significant effects. No significant effects are identified (EA, Chapter 3), nor does this action influence a decision in principle about any future considerations. This decision does not forgo any future decision for management of this area. If additional transmission line upgrades are required in the area in the future, they will be analyzed independently.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts** – There are no known significant cumulative effects between this project and other ongoing or planned projects in or adjacent to this project. The effects of other foreseeable future actions as well as past actions and ongoing actions were included in the analysis (EA, Chapter 3).
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, or may cause loss or destruction of significant scientific, cultural, or historical resources** – The NV SHPO was consulted during the preparation of the cultural resource surveys. On July 9, 2015, the LTBMU initiated informal consultation with the NV SHPO by submitting the *Draft Cultural Resources Report* for review and comment; they provided concurrence on the report on October 1, 2015 (NV SHPO 2015). (EA Section 4.3)
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the**

Endangered Species Act of 1973 – One endangered species was evaluated in the EA (Chapter 3): the Sierra Nevada yellow-legged frog (SNYLF). After initially determining habitat existed for the SNYLF, it was determined not to be the case after field investigation. This project will not affect any other endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 because there were no other individuals or critical habitat identified in the project area.

- 10. Whether the action threatens a violation of Federal, State, or local law or other requirements imposed for the protection of the environment** – The proposed action will not violate federal, state, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (EA, Section 1.8). The action was designed to be consistent with the 1988 LTBMU Forest Plan (EA Section 1.6).

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

National Forest Management Act

The National Forest Management Act (NFMA) requires the development of long-range land and resource management plans. The LTBMU Forest Plan was approved in 1988 as required by this act. It has been amended several times, including in the Sierra Nevada Forest Plan Amendment (SNFPA) (USDA Forest Service 2004). The Forest Plan provides guidance for all natural resource management activities. The NFMA requires that all projects and activities be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project, and the design of the project is consistent with the Forest Plan.

Endangered Species Act

In accordance with Section 7(c) of the Endangered Species Act, the U.S. Fish and Wildlife Service (USFWS) list of endangered and threatened species that may be affected by projects in the Lake Tahoe Basin Management Area was reviewed (verified March 30, 2015) and effects on those species are analyzed in the Biological Assessment/Biological Evaluation (BA/BE): Aquatic and Terrestrial Wildlife Species. The USFWS and NDOW were consulted during the preparation of the technical surveys and studies. In early 2015, the USFS reviewed the biological reports, made final project effect determinations, and recommended mitigation measures for the Proposed Action Alternative. On May 18, 2015, the USFWS reviewed and approved the *Migratory Landbird Conservation on the Lake Tahoe Basin Memorandum*. On May 28, 2015, the USFS revised and approved the *BA/BE for Aquatic and Terrestrial Wildlife Species* and the *MIS Report*. On June 1, 2015, the *Natural Resources Survey Results Report* was finalized; this report included a general overview of all biological resources and potential effects within the project area. Because required biological technical studies were completed, there are no further issues or concerns from the USFWS or NDOW regarding the evaluation of botanical and biological resource effects for the Proposed Action Alternative.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). Section 106 of the NHPA (Public Law 89.665, as amended) also requires federal agencies to afford the State Historic Preservation Officer a reasonable opportunity to comment. A cultural resources report was prepared for the NV SHPO and they concurred with the report on October 1, 2015. The Washoe Tribe of California and Nevada also reviewed and concurred with the report. As a result of the consultation process, one cultural site will be flagged and avoided in order to prevent impacts during construction.

Clean Water Act (Public Law 92-500)

All federal agencies must comply with the provisions of the Clean Water Act (CWA), which regulates forest management activities near federal waters and riparian areas. The Environmental Protection Measures associated with the Proposed Action ensure that the terms of the CWA are met, primarily prevention of pollution caused by erosion and sedimentation.

Environmental Justice (Executive Order 12898)

Executive Order 12898 requires that all federal actions consider potentially disproportionate effects on minority and low-income communities, especially if adverse effects on environmental or human health conditions are identified. Adverse environmental or human health conditions created by any of the alternatives considered would not affect any minority or low-income neighborhood disproportionately.

The activities proposed in alternatives were based solely on the existing and desired condition of the project area. In no case were the project designs based on the demographic makeup, occupancy, property value, income level, or any other criteria reflecting the status of adjacent non-federal land. Reviewing the location, scope, and nature of the proposed alternative in relationship to non-federal land, there is no evidence to suggest that any minority or low-income neighborhood would be affected disproportionately. Conversely, there is no evidence that any individual, group, or portion of the community would benefit unequally from any of the actions in the proposed alternatives. As no adverse or disproportional effects were anticipated as a result of implementation of the proposed action, this resource was not further analyzed in the EA document.

Invasive Species Management, FSM 2900

This EA recognizes terrestrial invasive species. An Invasive Plant Risk Assessment has been prepared. The project's Environmental Protection Measures are designed to minimize risk of new invasive species introductions (EA, Section 3.5).

Migratory Bird Treaty Act of 1918 as amended (16 USC 703-712)

The original 1918 statute implemented the 1916 Convention between the United States and Great Britain (for Canada) for the protection of migratory birds. Later amendments implemented treaties between the United States and Mexico, Japan, and the Soviet Union

(now Russia). Specific provisions in the statute include the establishment of a federal prohibition, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." Because forest lands provide a substantial portion of breeding habitat, land management activities within the LTBMU can have an impact on local populations.

A Migratory Landbird Conservation Memorandum has been prepared for this project which fulfills the requirements of this act and Executive Order 13186.

Special Area Designations

There are no specially designated areas that would be affected by the project (i.e., Research Natural Areas, Inventoried Roadless Areas, Wilderness Areas, and Wild and Scenic Rivers).

Local Agency Permitting Requirements and Coordination

Any required permits will be obtained from the NDEP, NDWR, or other state or local permitting agencies prior to project implementation. Project documents have been shared with state permitting agencies, such as the NDEP and NDWR.

IMPLEMENTATION DATE

If an objection to this draft decision is filed, implementation may occur on, but not before fifteen business days from the date of objection resolution and issuance of a final decision. If no objection is filed, implementation may begin five business days from the close of the objection period and issuance of a final decision.

ADMINISTRATIVE REVIEW OR OBJECTION OPPORTUNITIES

This proposed decision is subject to objection pursuant to 36 CFR 218, Subparts A and B. Objections will only be accepted from those who submitted project-specific written comments during scoping or other designated comment period. Issues raised in objections must be based on previously submitted comments unless based on new information arising after the designated comment period(s).

Objections must be submitted within 45 days following the publication of a legal notice in the Tahoe Daily Tribune. The date of the legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely receipt (36 CFR 218.9).

Objections must be submitted to the reviewing officer: Randy Moore, Regional Forester, USDA Forest Service; Attn: 634 Line Rebuild Project - LTBMU; 1323 Club Drive, Vallejo, CA

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94592. Phone (707) 562-8737. Objections may be submitted via mail, FAX (707-562-9229), or delivered during business hours (M-F 8:00am to 4:00pm). Electronic objections, in common (.doc, .pdf, .rtf, .txt) formats, may be submitted to: objections-pacificsouthwest-regional-office@fs.fed.us with Subject: 634 Line Rebuild Project - LTBMU. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Objections must include (36 CFR 218.8(d)): 1) name, address and telephone; 2) signature or other verification of authorship; 3) identify a single lead objector when applicable; 4) project name, Responsible Official name and title, and name of affected National Forest(s) and/or Ranger District(s); 5) reasons for, and suggested remedies to resolve, your objections; and, 6) description of the connection between your objections and your prior comments. Incorporate documents by reference only as provided for at 36 CFR 218.8(b).

CONTACT

For additional information concerning this decision or the Forest Service objection process, contact:

Mike LeFevre, Lake Tahoe Basin Management Unit
35 College Drive
South Lake Tahoe, CA 96150
Phone (530)543-2600, Fax (530)543-2693

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APPENDIX A - ENVIRONMENTAL PROTECTION MEASURES

NVE has committed to implementing the EPMs listed in this section, which are divided into 11 categories: General, Air Quality, Botanical Resources, Cultural Resources, Fire Prevention and Response, Hazardous Materials and Waste, Geological Resources, Invasive Plants, Water Resources, Wildlife and Sensitive Species, and Recreation and Visual Resources. The majority of these EPMs were originally documented in NVE's PPOD in February 2015; they have been re-organized by environmental resource topic, and modified slightly during project development and environmental review. All project EPMs would be followed during project-related construction and post-construction activities. NVE is committed to implementing these measures in order to reduce the potential direct and indirect impacts and cumulative effects that would result from the implementation of the project alternative. Therefore, these EPMs are considered a part of the proposed project summary.

The impact analysis in this EA assumes the implementation of all EPMs. However, where additional or greater impacts are identified that are not addressed by these EPMs, or where EPMs are not adequate to reduce or minimize impacts, the EA recommends additional or revised mitigation measures. The implementation of both the EPMs listed in this section, in addition to those described in this EA, will be incorporated into a Mitigation Monitoring Program (MMP), as needed.

GENERAL

1. The limits of the construction ROW will be marked with staking and/or flagging. All environmentally sensitive areas, if any, will be fenced for avoidance.
2. Prior to construction, all construction personnel will be instructed on the protection of sensitive biological, cultural, and paleontological resources that have the potential to occur on site.
3. All construction vehicle movement will be restricted to the ROW, pre-designated access roads, and public roads, except where overland travel is proposed.
4. Smoking will only be permitted in paved or cleared areas. All cigarettes will be thoroughly extinguished and disposed of in a trash receptacle.
5. All existing roads will be left in a condition equal to, or better than their preconstruction condition.
6. If all phases of the project are not complete, prior to significant snowfall, contact the Forest Service permit administrator for guidance on overwintering procedures.
7. Prior to helicopter use, an approved aviation safety plan will be obtained from LTBMU.

AIR QUALITY

8. All areas subject to ground disturbance and access roads will be watered as needed to control dust. Water for dust control will be determined by the contractor at the time of construction. Prior to use, a Nevada State Water Engineer will need to approve and permit the use.

BOTANICAL RESOURCES

9. Where possible, vegetation will be left in place. Where vegetation must be removed, it will be cut at ground level to preserve the root structure and allow for potential resprouting.

CULTURAL RESOURCES

10. All cultural finds within the project boundaries identified in previous surveys will be flagged by a professional archeologist and construction crews will avoid these areas, as applicable.
11. Prior to construction, NVE and/or its contractors will train workers and individuals involved with the project regarding the potential to encounter historic or prehistoric sites and objects. They will be instructed regarding proper procedures in the event that cultural items or human remains are encountered, prohibitions on artifact collection, and respect for Native American religious concerns. As part of this training, all construction personnel will be instructed to inspect for paleontological and cultural objects when excavating or conducting other ground-disturbing activities.
12. If resources are found, work will be halted immediately within a minimum distance of 300 feet from the discovery, and a professional archaeologist holding a valid Cultural Resources Permit from Nevada USFS will be mobilized to the site to evaluate the find. Resources will not be handled or moved. The professional archaeologist will then determine whether the find needs to be evaluated by a paleontologist or Native American representative. The appropriate specialist(s) will then make a determination of the significance of the find and the steps to be followed before proceeding with the activity. Any cultural and/or paleontological resource discovered during construction on public or federal land will be reported immediately to the USFS. Work will not commence until the USFS issues a notice to proceed. The USFS will notify and consult with the SHPO and appropriate Tribes on eligibility and suitable treatment options. If significant resources are discovered, they will be recovered, transported, and stored at an approved curation facility that meets the standards specified in 36 CFR Part 79.

13. If human remains are encountered during project construction, all work within 300 feet of the remains will cease, and the remains will be protected. If the remains are on land managed by the USFS, USFS representatives will be immediately notified. If the remains are Native American, the USFS will follow the procedures set forth in 43 CFR Part 10, Native American Graves Protection and Repatriation Regulations. If the remains are located on state or private lands, the Nevada SHPO and the USFS will be notified immediately. Native American human remains discovered on state or private lands will be treated under the provisions of the Protection of Indian Burial Sites section of the Nevada Revised Statutes (NRS) in Chapter 383. The Nevada SHPO will consult with the Nevada Indian Commission and notify the appropriate Native American tribe. Procedures for inadvertent discovery are listed under NRS 383.170.

GEOLOGY AND SOILS

- 14. In areas where significant grading will be required, topsoil (where present) will be stockpiled and segregated for later reapplication.
- 15. Construction will be prohibited when the soil is too wet to adequately support construction equipment, defined as the development of a four inch rut over 100 feet long.

HAZARDOUS MATERIALS AND WASTE

- 16. All construction vehicles will be maintained in accordance with the manufacturers’ recommendations. All vehicles will be inspected for leaks prior to entering the jobsite. All discovered leaks will be contained with a bucket or absorbent materials until repairs can be made.
- 17. All hazardous waste materials will be properly labeled in accordance with 40 CFR Part 262. A list of hazardous materials expected to be used during construction of the project is presented in Table 2-6 below.

Table 2-6. Hazardous Materials Proposed for Project Use

Hazardous Materials	
2-Cycle Oil	Insulating Oil
ABC Fire Extinguisher	Lubricating Grease
Acetylene Gas	Mastic Coating
Air Tool Oil	Methyl Alcohol
Antifreeze	North Wasp and Hornet Spray (1,1,1-Trichloro-ethane)
Automatic Transmission Fluid	Oxygen

Hazardous Materials	
Battery Acid	Paint
Bee Bop Insect Killer	Paint Thinner
Canned Spray Paint	Petroleum Products
Chain Lubricant (Methylene Chloride)	Prestone II Antifreeze
Connector Grease	Puncture Seal Tire Inflator
Contact Cleaner 2000	Safety Fuses
Diesel	Safety Solvent
Fuel Eye Glass Cleaner (Isopropyl Alcohol)	Starter Fluid
Gas Treatment	Wagner Brake Fluid
Gasoline	WD-40

Source: PPOD 2015.

18. Hazardous material storage, equipment refueling, and equipment repair will be conducted at least 100 feet away from streams or other water features.
19. Spilled material of any type will be cleaned up immediately. A shovel and spill kit will be maintained on site at all times to respond to spills.
20. All sanitary wastes will be collected in portable, self-contained toilets at all construction staging areas and other construction operation areas and managed in accordance with local requirements.

FIRE PREVENTION AND RESPONSE

21. NVE will designate a Fire Marshal (NVE Fire Marshal), who will coordinate with the USFS's fire management representative, as necessary.
22. The designated Fire Marshal will be responsible for the following tasks:
 - Conducting regular inspections of tools, equipment, and first aid kits for completeness.
 - Conducting regular inspections of storage areas and practices for handling flammable fuels to confirm compliance with applicable laws and regulations.
 - Coordinating initial response to fires within the ROW.
 - Conducting fire inspections along the ROW.
 - Ensuring that all construction workers and subcontractors are aware of all fire protection measures.
 - Remaining on duty and on-site when construction activities are in progress and during any additional periods when fire safety is an issue, or designating another individual to serve in this capacity when absent.
 - Reporting all wildfires in accordance with the notification procedures described below.

- Initiating and implementing fire suppression activities until relieved by agency or local firefighting services in the event of a project-related fire. Project fire suppression personnel and equipment, including water tenders, will be dispatched within 15 minutes from the time that a fire is reported.
- Coordinating with the NVE Project Manager regarding current fire conditions potential and fire safety warnings from the USFS and communicating these to the crews.

23. The Construction Foreman will immediately notify firefighting services of any fires on site. A list of emergency fire contacts for the project area is presented in Table 2-7.

Table 2-7. Emergency Fire Contacts

Department	Phone Number
Main Contact	911
USFS – Fire Management Office	(530) 543-2600

Source: PPOD 2015.

24. Construction crews will be notified to stop or reduce construction activities that pose a significant fire hazard until appropriate safeguards are taken.
25. If an accidental fire occurs during construction, immediate steps to extinguish the fire (if it is manageable and safe to do so) will be taken using available fire suppression equipment and techniques. Fire suppression activities will be initiated by NVE and/or its contractor until relieved by agency or local firefighting services.
26. Smoking will only be permitted in designated cleared areas and will be prohibited while walking or working in areas with vegetation or while operating equipment. In areas where smoking is permitted, all burning tobacco and matches will be completely extinguished and discarded in ash trays, and not on the ground.
27. Fire suppression equipment will be present in areas where construction tools or equipment have the potential to spark a fire.
28. Extra precautions will be taken when fire danger is considered to be high.
29. All field personnel will be instructed regarding emergency fire response. The contractors will receive training in the following:
- Initial fire suppression techniques
 - Fire event reporting requirements
 - Methods to determine if a fire is manageable
 - Fire control methods to be implemented by field crews on site
 - When the worksite should be evacuated
 - How to respond to wildfires in the vicinity

- How to maintain knowledge of and plans for evacuation routes
30. All flammable material including dead vegetation, dry grasses, and snags (fallen or standing dead trees), will be cleared a minimum of ten feet from areas of equipment operation that may generate sparks or flames.
 31. No open burning, campfires, or barbecues will be allowed along the ROW.
 32. All welding or cutting of power line structures or their component parts will be approved by the NVE Construction Foreman. Approved welding or cutting activities will only be performed in areas cleared of vegetation a minimum of ten feet around the area. Welding or cutting activities will cease one hour before all fire response personnel leave a construction area to reduce the possibility of welding activities smoldering and starting a fire. Welder vehicles will be equipped with fire suppression equipment.
 33. All internal combustion engines, both stationary and mobile, will be equipped with approved spark arresters that have been maintained in good working condition. Light trucks and cars with factory-installed (type) mufflers in good condition may be used on roads cleared of all vegetation with no additional equipment required. Vehicles equipped with catalytic converters are potential fire hazards and will be parked on cleared areas only.
 34. The use of torches, fuses, highway flares, or other warning devices with open flames will be prohibited. NVE and its contractors will only use electric or battery-operated warning devices on site.
 35. Equipment parking areas, small stationary engine sites, and gas and oil storage areas will be cleared of all extraneous flammable materials. "NO SMOKING" signs will be posted in these areas at all times.
 36. Fuel tanks will be grounded.
 37. NVE and/or contractors will provide continuous access to roads for emergency vehicles during construction.
 38. All motorized vehicles and equipment will be equipped with the following fire protection items:
 - One long handled round point shovel
 - One ax or Pulaski fire tool
 - One 5-pound ABC Dry Chemical Fire Extinguisher
 - One 5-gallon water backpack (or other approved container) full of water or other extinguishing solution
 - Hard hat, work clothes, and eye protection

39. Project construction worksites will include the following equipment:

- Power saws, if required for construction, equipped with an approved spark arrester and accompanied by one five-pound ABC Dry Chemical Fire Extinguisher and a long-handled, round-point shovel when used away from a vehicle.
- Fuel service trucks with one 35-pound capacity fire extinguisher charged with the necessary chemicals to control electrical and fuel fires.
- At least two long-handled, round-point shovels and two five-pound ABC Dry Chemical Fire Extinguishers at wood cutting, welding, or other construction work sites that have a high risk of starting fires.
- At least one radio and/or cellular telephone to contact fire suppression agencies or the project management team.

40. During periods of increased fire danger, a fire suppression vehicle will be available in the construction area or stationed near high-risk construction work sites and will be equipped with the following items:

- One tool cache (for fire use only) containing at a minimum:
- Two long handled round point shovels
- Two axes or Pulaski fire tools
- One chainsaw of 3.5 (or more) horsepower with a cutting bar of at least 20 inches in length

41. All fires will be immediately reported to the jurisdictional fire agency, regardless of size and actions taken. If a fire is unmanageable, field crews will evacuate and call 911 or the district dispatch for the area (see Table 2-7: Emergency Fire Contacts).

INVASIVE PLANTS

42. Identification and avoidance: Known noxious weed infestations, including cheatgrass, will be flagged in field and identified on project maps prior to implementation. No equipment, materials and personnel will be staged in noxious weed infestation areas. Disturbances to areas infested with invasive plants will be avoided to the extent possible. For cheatgrass, if an infestation cannot be avoided, implementation will be undertaken first in uninfested areas, then proceed to infested areas; if it is not feasible to first implement proposed actions in un-infested areas, then equipment will be washed after use in infested areas and before use in uninfested areas.
43. Equipment cleaning: All off-road equipment will be cleaned (power or high-pressure cleaning) of all mud, dirt, and plant parts prior to initially moving equipment onto public land. Equipment will be cleaned again if it leaves the project site prior to re-entry. Any equipment or vehicles used in an area infested with invasive plants will be thoroughly cleaned using compressed air or water at a designated cleaning station before they are moved to a new location.
44. Imported materials: All gravel and/or fill material will be certified weed-free. All mulches and topsoil will be weed-free. Do not salvage topsoil that is contaminated with invasive plants (including cheatgrass). On NFS lands, seed and plant mixes will be approved by the Forest Botanist or their designated appointee who has knowledge of local flora. Invasive species will not be intentionally used in revegetation. Seed lots will be tested for weed seed and test results will be provided to Forest Service. Persistent non-natives, such as timothy, orchardgrass, ryegrass or crested wheatgrass will not be used in revegetation. As much as possible, seed and plant materials will be from native, high-elevation sources. Whenever feasible, plant material will be collected from as close to project area as possible, preferably from the same watershed and from similar elevation.
45. Treatment: On NFS lands, NVE personnel will identify all invasive plants present on the land to be included in the ROW and provide this information to the USFS. A determination will be made by the USFS of any invasive plants that require flagging for treatment. NVE will treat the invasive plants as required by the USFS.

WATER RESOURCES

46. The project will disturb more than one acre. NVE will apply for a storm water permit and will incorporate BMPs, in accordance with the Project's Storm Water Pollution Prevention Plan (SWPPP).
47. All construction vehicles, equipment staging or storage, and construction activities will be located at least 100 feet away from any streams, wetlands, or other water features.

WILDLIFE AND SENSITIVE SPECIES

48. If required by the USFS, prior to construction, biological surveys of the ROW and the access road will be conducted. Potential habitat for listed species identified during the preconstruction surveys will be fenced for avoidance. If avoidance is infeasible, consultation with appropriate jurisdictional agencies will be conducted prior to work in the area(s).
49. Excavations left open overnight will be covered to prevent livestock or wildlife from falling in. All covers will be secured in place and strong enough to prevent livestock or wildlife from falling in.
50. If a sensitive plant or animal species is identified during construction, work near the sensitive species will be halted and a qualified biologist familiar with the species will be consulted to determine an appropriate buffer and other protective measures. The appropriate resource agencies will be notified of the discovery within 24 hours. If avoidance is infeasible, consultation with the jurisdictional resource agency will be conducted prior to continuing work in the immediate area of the species. Any federal- or state-listed or special status species discovered on public land will also be reported to the USFS.

RECREATION AND VISUAL RESOURCES

51. The proposed design of the new single-pole structures and the H-frame structures would include the use of non-specular conductors (i.e. treated aluminum surfaces to reduce reflectivity, glare, and visual contrast effects) natural and self-weathering materials, dark and earth-tone colors, and wood textures that would minimize the appearance of the pole structures and conductors against the existing landscape (see Figure 5 in Appendix A).
52. If temporary public roadways or trails need to be closed during construction activities, NVE would install temporary signage along major access points to the public roadways and trails to give advanced notice of construction any closures/reroutes. The signage would clearly inform users that the roadway or trail will be closed during specific timeframes, and when the roadway or trail will be re-opened.

53. NVE will limit any closure to heavily used and popular public access roadways and trails, such as the Tahoe Rim Trail to the maximum extent possible. If closures to such roadways and trails are necessary, they will be limited to a maximum of one hour.

54. All temporary and permanent signs provided by NVE will meet USFS universal accessibility standards, specifically the Architectural Barriers Act Accessibility Standards (ABAAS) and Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG).

REQUIRED PERMITS, APPROVALS, AND AUTHORIZATIONS

The proposed project would need to comply with applicable regulatory requirements including statutes, regulations, executive orders, and permit requirements. Permits and approvals that may be required for the project implementation are summarized in Table 2-8.

Table 2-8. Permits and Approvals

Agency	Permit/Authorization	Action Requiring Permit	Statutory Reference
Federal			
LTBMU	Master SUP Amendment	Obtaining ROW on NFS lands	National Forest Management Act of 1976, 16 U.S.C. 1604
	NEPA Review and Compliance and Approval as the Lead Agency	Issuance of ROW Grant and Amendment of the Master Special Use Permit	NEPA, 40 Code of Federal Regulations (CFR) Part 1500 – et.seq.
	Section 106 of the NHPA Compliance	Any activity that may affect prehistoric or historic resources eligible for the National Register of Historic Places (NRHP) and issuance of Special Use Authorization	NHPA of 1966, 36 CFR Part 800, 16 USC 47
USFWS (via a request from the USFS)	ESA Section 7 Compliance (if endangered species are identified)	Issuance of ROW Grant and potential impacts to federally-listed species or critical habitat	ESA Section 7 Consultation, 50 CFR Part 17, 16 USC 1536
State			
Nevada Division of Environmental Protection (NDEP)	Construction Stormwater Discharge General Permit	Soil Disturbances < 1 acre	33 U.S.C 1251 and Nevada Revised Statute (NRS) 445A
	Surface Area Disturbance Permit	Soil Disturbance < 5 acres	Nevada Administrative Code (NAC) 445B.22037
State Historic Preservation Office (SHPO)	SHPO Consultation (through Section 106 process)	Potential impacts to cultural resources	NHPA of 1966, 36 CFR Part 800, 16 USC 47

Agency	Permit/Authorization	Action Requiring Permit	Statutory Reference
Local			
Douglas County	SUP/Modification to Existing SUP	Construction, operation, and maintenance within county road ROWs	Title 20. Development Code. Chapter 20.604 Special User Permits

Source: PPOD 2015.