3.9 Land Use

This section describes the environmental setting, regulatory setting, and potential impacts associated with the construction and operation of the proposed project and alternatives with respect to land use, grazing allotments, mining claims, and designated areas. Impacts to agricultural lands are not discussed as there is no agricultural land in the project area.

3.9.1 Environmental Setting

3.9.1.1 Land Use

The proposed project would traverse the eastern Mojave Desert in southeastern California and southwestern Nevada from just outside Primm, Nevada, to outside of Boulder City, Nevada, primarily within existing utility right-of-ways (ROWs) on BLM-administered lands and land in unincorporated Clark County, Nevada, and San Bernardino County, California. Table 3.9-1 lists all land use types crossed by the proposed project and alternatives as shown in Figure 3.9-1. Land uses within the area range from open space and conservation/preserve areas to commercial, public, private, and recreation; utility/energy uses; industrial and mining uses; transportation; and limited residential uses. Lands in the area with special designations include the Mojave National Preserve, wilderness areas (Wee Thump, Joshua Tree, and South McCullough), and Areas of Critical Environmental Concern (ACECs). A discussion of designated areas including Recreation Areas and Special Recreation Management Areas follows in Section 3.9.1.3.

Table 3.9-1 Proposed Project and Alternatives by Land Use Type and Jurisdiction

Line Segment	MP (Approx)	Total Miles	Land Use Types	Special Designation or Overlay District (if any)	Land Ownership/ Jurisdiction
Proposed Route	0.0-1.2	1.2	Utility Corridor	BCCE	BLM Las Vegas FO
Proposed Route	1.2-2.0	0.8	Conservation Easement	BCCE	Private - Clark Co. and Boulder City
Proposed Route	2.0-7.0	5.0	Utility Corridor	BCCE	BLM Las Vegas FO
Proposed Route	7.0-24.5	17.5	Recreation / Open Public Lands	Jean/Roach Dry Lake SRMA	BLM Las Vegas FO
Proposed Route	24.5-28.5	4	Commercial and Vacant	Ivanpah Airport Environs Overlay	CCDOA
Proposed Route	27.0-28.5	1.5	Commercial and Vacant	Ivanpah Cooperative Management Area	Private - Clark Co. - Unincorporated Area of Primm
Proposed Route	28.5-31.0	2.5	Recreation	Ivanpah Dry Lake Recreation Area	BLM Needles FO
Proposed Route	31.0-35.0	4.0	Open Public Lands	None	BLM Needles FO
Alternative A	0.0-5.0	5.0	Utility Corridor	BCCE	BLM Las Vegas FO
Alternative B	0.0-6.0	6.0	Utility Corridor	BCCE	BLM Las Vegas FO
Alternative C	0.0-1.0 and 1.5-2.0	1.5	Open Public Lands	None	BLM Las Vegas FO
Alternative C	Between 1.0 and 2.0	0.1	Transportation Corridor	None	Nevada Department of Transportation
Alternative C	Between 1.0 and 2.0	0.1	Commercial	Ivanpah Cooperative Management Area	Private - Clark Co. - Unincorporated Area of Primm
Alternative C	2.0-5.0	3.0	Open Public Lands	None	BLM Needles FO
Alternative D	Between 0.0 and 1.0	0.1	Open Public Lands	None	BLM Las Vegas FO

Table 3.9-1 Proposed Project and Alternatives by Land Use Type and Jurisdiction

Line Segment	MP (Approx)	Total Miles	Land Use Types	Special Designation or Overlay District (if any)	Land Ownership/ Jurisdiction
Alternative D	Between 0.0 and 1.0	0.1	Vacant	Ivanpah Cooperative Management Area	Private - Clark County - Unincorporated Area of Primm
Alternative D	1.0-2.0	1.0	Open Public Lands	None	BLM Las Vegas FO
Alternative D	2.0-2.5	0.5	Open Public Lands	None	BLM Needles FO
Alternative D	2.5-3.0	0.5	Recreation	Ivanpah Dry Lake Recreation Area	BLM Needles FO
Alternative E	0.0-1.0	1.0	Vacant	Ivanpah Cooperative Management Area	Private - Clark County - Unincorporated Area of Primm
Redundant Telecommunication Route	0.0-5.5	5.5	Utility Corridor	BCCE	BLM Las Vegas FO
Redundant Telecommunication Route	5.5-26.5	21.0	Preservation/ Recreation	Eldorado-Piute ACEC	BLM Las Vegas FO
Redundant Telecommunication Route	26.5-28.5	2.0	Preservation/ Recreation	Ivanpah DWMA ACEC	BLM Needles FO
Redundant Telecommunication Route	28.5-29	0.5	Commercial	None	Private - San Bernardino Co. - Unincorporated Area of Nipton
Redundant Telecommunication Route	29-35.5	6.5	Preservation/ Recreation	Ivanpah DWMA ACEC	BLM Needles FO
Redundant Telecommunication Route	35.5-36.5	1.0	Vacant	None	Private Lands
Redundant Telecommunication Route	36.5-39	2.5	Preservation/ Recreation	Ivanpah DWMA ACEC	BLM Needles FO
Golf Course Alternative	39-48	9.0	Open Public Lands	None	BLM Needles FO
Mountain Pass Alternative	39-44	5.0	Open Public Lands	None	BLM Needles FO
Mountain Pass Alternative	44-46	2.0	Vacant and Industrial	None	Private - San Bernardino Co. - Unincorporated Area of Mountain Pass
Mountain Pass Alternative	46-53	7.0	Open Public Lands	None	BLM Needles FO

Key:
ACEC – Area of Critical Environmental Concern
BCCE – Boulder City Conservation Easement
BLM – Bureau of Land Management
CCDOA – Clark County Department of Aviation
DWMA – Desert Wildlife Management Area
FO – Field Office
SRMA – Special Recreation Management Area

The proposed project would replace an existing 115-kV single-circuit subtransmission line with a 230-kV double-circuit transmission line. Because the original ROW was issued prior to 1976, the applicant is required to apply for a new ROW grant as described in Section 3.9.2. The proposed transmission line would be constructed primarily within the existing 100-foot ROW, with the exception of six locations where the ROW would need to be widened for utility crossings or technically difficult turns in the route. Table 3.9-2 lists the locations where the project would deviate from the existing ROW. The locations of these deviations in relation to the existing 115-kV route are discussed in Chapter 2, “Description of Proposed Project and Alternatives.”

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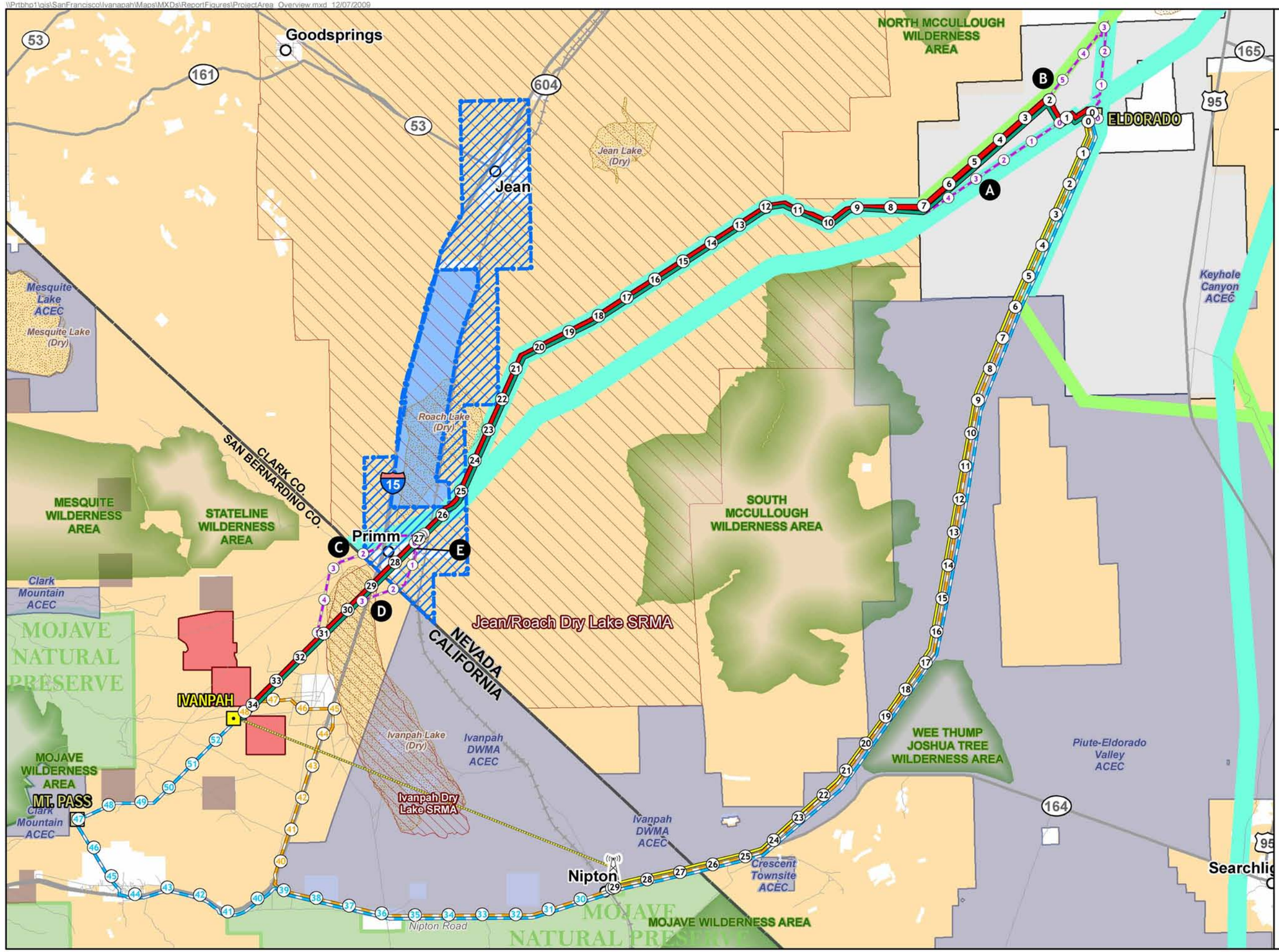
Figure 3.9-1
Eldorado-Ivanpah Transmission Project

Designated Areas Around the EITP Area



PROPOSED PROJECT
- Transmission L.ine
- Telecommunications Line
- Redundant Telecommunications Line
- Microwave

ALTERNATIVES
- Transmission Line Alternatives
- Redundant Telecommunications Line - Mountain Pass
- Redundant Telecommunications Line - Golf Course

- Milepost
- Proposed Microwave Tower
- Proposed Substation
- Existing Substation
- City
- Road
- BLM Land
- NPS
- Proposed Southern Nevada Supplemental Airport
- Ivanpah Airport Environs Overlay
- Proposed ISEGS
- ACEC (BLM)
- Wilderness Area
- SRMA (BLM)
- Boulder City Conservation Easement

BLM Designated Corridor
- 2,000ft
- 3,000ft

N

0 1 2 3 4 5
Miles

March 2010

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Table 3.9-2 Proposed Route Deviations from the Existing ROW

Location (Milepost)	Distance from ROW (miles)	Land Use Type
7	> 1	Open Public Lands
11	> 1	Open Public Lands
12	> 1	Open Public Lands
25	> 1	Open Public Lands
25–26	> 1	Open Public Lands
34–35	> 1	Open Public Lands

3.9.1.2 Grazing Allotments and Animal Unit Months

The BLM administers and manages the grazing allotments on public lands in the vicinity of the project area. The primary laws that govern grazing on public land are the Taylor Grazing Act of 1934, the Federal Land Policy Management Act of 1976, and the Public Rangelands Improvement Act of 1978. The federal government authorizes grazing use through grazing permits or leases. Animal Unit Months (AUMs)—the amount of forage needed to feed one cow, one horse, or five sheep for one month—are used to calculate the fee charged to an allotee to graze animals in designated grazing allotments on federal lands (BLM 2009c). Figure 3.9-2 shows the grazing allotments within the vicinity of the project.

California Allotments

The proposed transmission line and Transmission Alternative C would cross the Clark Mountain grazing allotment, and Transmission Alternative D would cross both the Valley View and Clark Mountain grazing allotments. The Golf Course Telecommunication Alternative would cross the Clark Mountain grazing allotment, and the Mountain Pass Alternative would cross both the Clark Mountain and the Valley Wells grazing allotments. The Clark Mountain Allotment is open, but not currently in use (Bartz 2009). The Valley Wells allotment is officially closed to grazing; and the Valley View allotment is currently awaiting the formal closure process (Bartz 2009). A table of allotments crossed by milepost (MP) is provided below in Table 3.9-3.

Table 3.9-3 California Allotments Crossed by the Project

Allotment Name	MP Crossed	Status
Transmission Line		
Clark Mountain	28.5 – MP 34	Open. Inactive.
Alternative C		
Clark Mountain	MP 2.5 – MP 5	Open. Inactive.
Alternative D		
Valley View	MP 2 – MP 3	Awaiting Formal Closing Process.
Clark Mountain	MP 3 – MP 3.3	Open. Inactive.
Telecom Line		
Golf Course Alternative		
Clark Mountain	MP 15 and MP 18	Open. Inactive.
Mountain Pass Alternative		
Clark Mountain	MP 15 – MP 20	Open. Inactive.
Valley Wells	MP 11.5 – MP 15	Closed.

Nevada Allotments

The proposed project would cross the Hidden Valley, Roach Lake, Jean Lake, and McCoullough Mountain grazing allotments. The Roach Lake, Jean Lake, and McCoullough Mountain allotments are currently closed (Johnson 2009). The Hidden Valley allotment is currently open and in use (Johnson 2009). A table of Nevada Allotments crossed by the project is provided in Table 3.9-4.

Table 3.9-4 Nevada Allotments Crossed by the Project

Allotment Name	MP Crossed	Status
Transmission Line		
Roach Lake	MP 26 – MP 29	Closed.
Jean Lake	MP 11.5 – MP 26	Closed.
McCullough Mountain	MP 0 – MP 10.5	Closed.
Hidden Valley	MP 10.5 – MP 11.5	Open. Active.
Alternative A		
McCullough Mountain	MP 0 – MP 4	Closed.
Alternative B		
McCullough Mountain	MP 0 – MP 5	Closed.
Alternative C		
Roach Lake	MP 1 – MP 1.3	Closed.
Alternative D and Subalternative E		
Roach Lake	MP 0 - MP 2	Closed.
Telecommunication Line		
McCullough Mountain	MP 0 – MP 21	Closed.
Jean Lake	MP 21 – MP 25	Closed.

3.9.1.3 Designated Areas

The proposed project would be primarily routed through open public land within existing ROW designated for utility and energy uses. However, the proposed route crosses or runs adjacent to a variety of areas with special land use designations, including ACECs, Wilderness Areas, a conservation easement, and Recreation Areas/Special Recreation Management Areas, as depicted in Table 3.9-5.

Table 3.9-5 Designated Areas Adjacent to the Project

Line Segment	MP (Approx)	Miles Parallel	Land Use	Special Designation	Land Ownership/ Jurisdiction
Proposed Route	22.0 – 25.0 and 27.0	3.0	Recreation / Open Public Lands	Jean/Roach Dry Lake SRMA	BLM Las Vegas FO
Proposed Route	26.0	> 0.5	Vacant	Proposed SNSA Boundary	CCDOA
Redundant Telecommunication Route	17 – 20.5	4.5	Preservation/ Recreation	Wee Thump Joshua Tree Wilderness Area	BLM Las Vegas FO
Redundant Telecommunication Route	24.0 – 24.5	0.5	Preservation/ Recreation	Crescent Townsite ACEC	BLM Las Vegas FO
Redundant Telecommunication Route	26.5 – 39.0	3.0	Preservation/ Recreation	Mojave National Preserve	National Park Service
Mountain Pass Alternative	39.0 – 41.0	2.0	Preservation/ Recreation	Mojave National Preserve	National Park Service
Mountain Pass Alternative	46.5 – 47.5	1.0	Preservation/ Recreation	Clark Mountain ACEC	BLM Needles FO

Key:
ACEC – Area of Critical Environmental Concern
CCDOA – Clark County Department of Aviation
FO – Field Office
SNSA – Southern Nevada Supplemental Airport

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Figure 3.9-2
Eldorado-Ivanpah Transmission Project

Grazing Allotments Around the Proposed Project

PROPOSED PROJECT
- Transmission L.ine
- Telecommunications Line
- Redundant Telecommunications Line
- Microwave

ALTERNATIVES
- Transmission Line Alternatives
- Redundant Telecommunications Line - Mountain Pass
- Redundant Telecommunications Line - Golf Course
- Proposed Microwave Tower
- Proposed Substation
- Existing Substation
- City
- Road
- BLM Land
- NPS
- Proposed Southern Nevada Supplemental Airport

Grazing Allotments

N

0 1 2 3 4 5
Miles

December 2009

NV UT CO CA AZ NM

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Recreation Areas / Special Recreation Management Areas

A Special Recreation Management Area (SRMA) is typically an area of land of 1,000 acres or more under BLM management, which has been identified as having the potential for high public use and/or cultural/natural resources management (BLM n.d.). The proposed project would cross both the Jean/Roach Dry Lake SRMA and the Ivanpah Dry Lake Recreation Area.

The Jean Dry Lake and Roach Dry Lake are located in Nevada, east of Jean and north of Primm, respectively. The Jean/Roach Dry Lake SRMA is a large area of land managed by the BLM Las Vegas Field Office (BLM 1998) for mountain biking, small game hunting, horseback riding, and off-highway vehicle (OHV) use as shown in Figure 3.9-1. The project would cross the Jean/Roach Dry Lake SRMA, predominantly within the boundary of an existing transmission line ROW between MP 7 and MP 28.5.

The Ivanpah Dry Lake Recreation Area is located in the Mojave Desert in San Bernardino County on Interstate 15 (I-15) at the California Nevada border. The area is managed by the BLM Needles Field Office and used by recreationists for non-motorized recreational activities, including archery, kite buggying, and land sailing (BLM 2009b). The project would cross the Ivanpah Dry Lake Recreation Area within a BLM-designated utility corridor on an existing ROW between MP 29 and MP 31. Transmission Alternative D would cross the Ivanpah Dry Lake Recreation Area within a BLM designated utility corridor between MP 2.5 and MP 3 where it would reconnect with the proposed action near MP 29.5.

Areas of Critical Environmental Concern

The Federal Land Policy and Management Act defines an ACEC as an area "within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards."

The BLM identifies, evaluates, and designates ACECs through its resource management planning process. Allowable management practices and uses, mitigation, and use limitations, if any, are described in the planning document and the concurrent or subsequent ACEC Management Plan (BLM n.d.). The project would cross the Piute-Eldorado Valley ACEC and would pass within one mile of the Ivanpah Desert Wildlife Management Area (DWMA) ACEC, and the Crescent Townsite ACEC. The Mountain Pass Telecommunication Alternative would pass within one mile of the Clark Mountain ACEC.

The Piute-Eldorado Valley ACEC is located in unincorporated Clark County, Nevada, on BLM-managed lands to the west of the Colorado River, north and east of the California state line, and south of Boulder City, Nevada. The ACEC includes several parallel mountain ranges divided by valleys, dry lakes, and bajadas (USFWS 1994). The area is managed by the BLM to protect desert tortoise and related tortoise habitat as part of the Desert Tortoise Recovery Plan. The telecommunication line would cross the Piute/Eldorado ACEC between telecommunication line MP 5.5 and MP 26.5.

The Crescent Townsite ACEC is a 437-acre area located in Clark County, Nevada, 1.5 miles east of the state line and south of State Route (SR) 164/Nipton Road. The ACEC is a protected cultural resources area due to its historic railroad construction and mining. The proposed project would pass within .5 miles of the Crescent Townsite ACEC near transmission line MP 25.

The Ivanpah DWMA ACEC is managed by BLM to protect desert tortoise and preserve desert tortoise habitat. The Ivanpah DWMA is composed of the Ivanpah, Kelso, and Shadow valleys and interconnecting corridors. Elevations range from 2,500 to 4,764 feet and the topography includes bajadas, rolling hills, lava flows, one playa lake, and a few major drainages (USFWS 1994, Clark County 2008). The EITP redundant telecommunications route (both the Mountain Pass and Golf Course alternatives) runs adjacent to the Ivanpah DWMA ACEC for approximately 12.5 miles from MP 26.5 to MP 39.

The Clark Mountain ACEC is a BLM-designated ACEC in the CDCA Plan area with significant endemic plant species, plant communities, diverse wildlife elements, and cultural resources values. The Clark Mountain ACEC is just west and north of the Mountain Pass Substation. The Mountain Pass Telecommunication Alternative would cross within one mile of the Clark Mountain ACEC around MP 47 near the Mountain Pass Substation (BLM 1980).

Boulder City Conservation Easement

The Boulder City Conservation Easement (BCCE) land transfer was completed in 1995 pursuant to Public Law 85-339 via the "Interlocal Agreement for Sale and Grant of a Conservation Easement" between Boulder City and Clark County in 1994 and the "Contract Between the State of Nevada and the City of Boulder City for the Sale of Land in the Eldorado Valley" in 1995. Both contracts include provisions which reserve "[c]ertain right-of-way corridors for transportation and public utilities" and outline the approximate land sale acreage and BLM-designated utility corridors within the easement. In the Supplement to the Stateline Resource Management Plan (RMP)/EIS published in May 1994 (published prior to the 1994 and 1995 agreements), the BLM utility corridors are described as 2,000- and 3,000-foot-wide corridors reserved to the BLM by U.S. Patent No. 27-95-0022.

The BCCE is located immediately south of Boulder City proper. The land is preserved and protected for the desert tortoise and other species as outlined in the Clark County Multiple Species Habitat Conservation Plan (MSHCP). Only passive use (hiking, driving slowly on designated routes, and sightseeing) is allowed in the BCCE (Clark County 2000) with the exception of approved activities in designated corridors. According to representatives of the Desert Conservation Program, Clark County manages the BCCE through policies outlined in its MSHCP, and the City of Boulder City maintains the right to approve land uses within the area. Currently, there are no mechanisms within the land transfer agreements for approving new ROWs within the BCCE; however, existing ROWs are honored. To date, a project of the magnitude of the EITP has not been attempted within the BCCE (Wainscott 2010).

As shown in Figure 3.9-3, the proposed transmission route follows a 2,000-foot-wide utility corridor along its southern most edge from the western side of the BCCE until it deviates outside of the BLM corridor in a southerly direction for less than one mile at MP 2 along an existing 70-foot ROW. The line then re-enters an adjacent 3,000-foot-wide corridor, continues to the northeast, and terminates at the Eldorado Substation. Transmission Alternative Route A would begin at the same point-of-entry into the BCCE as the proposed route but follow the adjacent 3,000-foot-wide corridor to the Eldorado Substation. Transmission Route Alternative B would continue north in the 2,000-foot-wide corridor instead of turning south at MP 2. Alternative B would then make a sharp right turn at the intersection between the 2,000- and 3,000-foot-wide corridors and continue south to the Eldorado Substation. Neither Transmission Route Alternatives A or B would deviate outside of BLM-designated corridors.

National Preserves

National Preserves are defined as protected areas having characteristics associated with national parks but where Congress has permitted continued public hunting, trapping, and oil/gas exploration and extraction (NPS 2000). The Mojave National Preserve was established by the California Desert Protection Act of 1994. The Preserve is managed by the National Park Service and is the third largest unit of the National Park System in the contiguous United States. The Preserve is home to a variety of desert species, including desert tortoise, bighorn sheep, mountain lion, bobcat, roadrunner, golden eagle, Gila monster, and jack rabbit (NPS 2009). Other features of the Preserve include volcanic formations, the Kelso Dunes, Mitchell Caverns, Marl Mountains, and the Cima Dome. The redundant telecommunication route (both the Mountain Pass and Golf Course alternatives) would abut the Mojave National Preserve between MP 26.5 and MP 39.

Figure 3.9-3
Eldorado-Ivanpah Transmission Project

Designated BLM ROW Corridors
Boulder City Conservation Easement

To Boulder City

Eldorado Lake (Dry)

Boulder City Conservation Easement

LAKE MEAD NATIONAL PRESERVE

ELDORADO

165

95

Nelson

PROPOSED PROJECT

- Transmission L.ine
- Redundant Telecommunications Line
- Transmission Line Alternatives
- Milepost
- Proposed Substation
- Existing Substation
- Boulder City Conservation Easement
- BLM Land
- NPS

BLM Designated Corridor

- 2,000 ft
- 3,000 ft

N

0 1 2
Miles

March 2010

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Wilderness Areas

The Wilderness Act of 1964 gives Congress the sole power to designate Wilderness Areas. The Act defines wilderness as an area of land that "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value." Except in emergencies or necessary administration of an area, vehicular travel is prohibited in Wilderness Areas. The BLM is responsible for managing 191 Wilderness Areas in the Western United States (BLM 2009a).

The Wee Thump Joshua Tree Wilderness Area is located 45 miles south of Las Vegas off Highway 164 between Nipton, California and Searchlight, Nevada. The area is a gently sloping desert plateau with elevations ranging from 1,275 – 1,500 feet, comprising dense pristine Joshua tree woodland with a bunch grass understory. The redundant telecommunication line (both the Mountain Pass and Golf Course alternatives) would abut the Wee Thump Joshua Tree Wilderness Area between MP 17 and MP 20.5.

Airports

Currently, the Jean Sport Aviation Center is the only operating airport in the proposed project area. It is located 5 miles from the EITP. However, the Clark County Department of Aviation (CCDOA) is proposing to build several new facilities in the area, including an additional airport, the Southern Nevada Supplemental Airport (SNSA), and a heliport, the Southern Nevada Regional Heliport. Both facilities are intended to support additional commercial service in the area.

The SNSA would be located south of Jean, Nevada, northwest of the EITP. If approved, the proposed SNSA boundary would be located within 0.5 miles (2,640 feet) north of the MP 26 of the EITP 230-kV transmission line. Additionally, the EITP would cross the Ivanpah Airport Environs Overlay (Figure 3.9-1). Transmission Alternative Route C would be located closer to the SNSA boundary than the proposed project, and Transmission Alternative Route D and Subalternative E would be located further away. The proposed SNSA is expected to be operational in year 2020, after the scheduled completion of the EITP, which is projected to be operational in 2013. The exact locations of SNSA components, such as runways and navigational equipment, are unknown pending project approval, although several alternatives have been proposed (CCDOA 2006).

Mining Claims

Mineral mining in southern Clark County occurs on BLM land. Currently, 14 mining claims would be crossed by the project and the proposed alternatives. The mining claims crossed by the proposed project and proposed alternatives are as follows:

Proposed Project

- Township 25 South, Range 60 East, Section 33
- Township 25 South, Range 60 East, Section 34
- Township 25 South, Range 61 East, Section 20
- Township 25 South, Range 61 East, Section 21
- Township 25 South, Range 61 East, Section 22
- Township 26 South, Range 59 East, Section 13
- Township 26 South, Range 60 East, Section 4
- Township 26 South, Range 60 East, Section 5

Transmission Alternative C

- Township 27 South, range 59 East, Section 7

Golf Course Telecommunication Alternative

- Township 16 North, Range 14 East, Section 23

Mountain Pass Telecommunication Alternative

- Township 16 North, Range 13 East, Section 2
- Township 16 North, Range 13 East, Section 11
- Township 16 North, Range 14 East, Section 31
- Township 16 North, Range 14 East, Section 32

3.9.2 Applicable Laws, Regulations, and Standards

The following section provides a summary of federal, state, and local laws, regulations, and standards that govern land use, grazing allotments, and wild horses and burros in the project area.

3.9.2.1 Federal

Federal Land Policy and Management Act of 1976, as amended

The Federal Land Policy and Management Act (FLPMA) provides the BLM with an overarching mandate to manage the public lands and resources under its stewardship under the principles of multiple use and sustained yield. "Multiple use" is a concept that directs management of public lands and their resource values in a way that best meets the present and future needs of Americans and is defined as: a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources (FLPMA §103(c)).

43 CFR § 2807.20

According to 43 CFR § 2807.20, grant holders seeking to amend ROW grants and proposing to deviate substantially in the location, use, or terms and conditions of the original grant must apply for a new ROW grant for any grant issued prior to October 21, 1976. Therefore, because the applicant is upgrading their existing transmission line from 115-kV to 230-kV, a new ROW is being issued by the BLM.

California Desert Conservation Area Plan

In 1980, the BLM prepared a comprehensive management plan for the California Desert Conservation Area (CDCA). The CDCA contains over 12 million acres of public lands that are administered by the BLM. The goal of the CDCA Plan is to provide for the use of the CDCA area, including economic, educational, scientific, and recreational uses, in a manner that enhances wherever possible—and which does not diminish, on balance—the environmental, cultural, and aesthetic values of the desert and its productivity (BLM 1980).

As part of the Energy Production and Utility Corridor Element, the CDCA Plan designated a regional network of 16 utility planning corridors (later increased to 19 by plan amendments). Corridors are from two to five miles wide and are several to hundreds of miles in length. Their purpose is to guide detailed planning and siting of utility projects requiring a ROW from the BLM, such as "new electrical transmission towers and cables of 161-kV or above," among other utility types.

BLM Las Vegas Resource Management Plan/ Final EIS

The Las Vegas Proposed RMP/Final EIS identifies future management in the form of objectives and management directions for 3.3 million acres of public land in Clark and Nye Counties, located in southern Nevada (BLM 1998). One guideline stated in the Las Vegas RMP/ Final EIS is that "minimizing the proliferation of randomly placed, single-use utility lines would better protect the scenic values and integrity of the surrounding areas." Although utility ROWs are not be limited to designated corridors, all efforts are focused on utility corridors whenever possible and to their maximum capacity (BLM 1998).

Stateline Supplemental Resource Management Plan/Final EIS

The Supplement to the Stateline RMP/Final EIS designates utility ROWs within the Eldorado Land Sale Area (i.e., the BCCE). Specifically, one goal of the Supplement to the Stateline RMP/Final EIS is to:

> a) Reserve in the patent [U.S. Patent No. 27-95-0022] and with the concurrence of the sale proponent, 2,000 and 3,000 foot wide northeast/southwest corridors, and a 1,000 foot wide corridor north/south along the western edge of the sale area, and a 2,000 foot wide corridor through the Eldorado Mountains. These corridors provide adequate room on either side of the current lines for two or more lines… (BLM 1994)

The Supplement to the Stateline RMP/Final EIS was published in May 1994, prior to the "Interlocal Agreement for Sale and Grant of a Conservation Easement" between Boulder City and Clark County in July 1994 and the "Contract Between the State of Nevada and the City of Boulder City for the Sale of Land in the Eldorado Valley" in July 1995.

Public Laws 106–362 and 107–282 (Ivanpah Airport)

Per Section (2)(b)(1) of the Ivanpah Valley Airport Public Lands Act of 2000 (Public Law 106–362), the land grant for the SNSA, among other requirements, is conditional upon "conduct[ing] an airspace assessment, using the airspace management plan required by section 4(a), to identify any potential adverse effects on access to the Las Vegas Basin under visual flight rules that would result from the construction and operation of a commercial or primary airport, or both, on the land to be conveyed." In addition, the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107–282) states that the conditions of the Ivanpah Valley Airport Public Lands Act of 2000 must be met and the project approved before the land identified as the "Ivanpah Airport Noise Compatibility Area" (i.e., the Ivanpah Airport Environs Overlay) is officially transferred (Title V, Section 501[c][1] and 501[d]). As a result, the SNSA is currently undergoing environmental review and an EIS is being prepared jointly by the BLM and the FAA. The EIS is projected to be complete by the fourth quarter of 2012 (BLM and FAA n.d.). The project cannot be officially approved until after the completion of the EIS; however, the South County Land Use Plan of 2008 specifies land use policies for the SNSA (see Section 3.9.2.3 for more detail).

Federal Aviation Administration Regulations

FAA regulations address potential aircraft obstruction for structures taller than 200 feet or within 20,000 feet of an airport. Specifically, Federal Regulation Title 14, Part 77, established standards and notification requirements for objects that have the potential to affect navigable airspace. In 1993, Part 77.13(a)(5)(ii) was revised to include only those airports under construction and excluded proposed airports (FAA 1993). Nonetheless, the Part 77 standards are intended to (1) evaluate the effect of the construction or alteration of structures on airport operating procedures; (2) determine if there is a potential hazard to air navigation; and (3) identify measures to enhance safety. Specifically, the FAA requires notification through the filing of FAA Form 7460, Notice of Proposed Construction or Alteration, if a structure is over 200 feet in height or closer than 20,000 feet to an existing airport or airport under construction (Title 14, Part 77.13).

3.9.2.2 State

California

California Public Utilities Commission

CPUC's review of transmission line applications takes place under two concurrent and parallel processes:

1. Environmental review pursuant to CEQA
2. Review of project needs and costs pursuant to Public Utilities Code Sections 1001 et seq. and General Order 131-D

CPUC General Order 131-D, "Rules relating to the planning and construction of electric generation, transmission/power/distribution line facilities and substations located in California," states that no electric public utilities will begin construction in the state of California of any new electric generating plant, or of the modification, alteration, or addition to an existing electric generating plant, or of electric transmission/power/distribution line facilities, or of new, upgraded or modified substations without first complying with the provisions of this General Order. For purposes of the General Order, a transmission line is a line designated to operate at or above 200-kV. A power line is a line designated to operate between 50- and 200-kV. A distribution line is a line designated to operate under 50-kV.

Nevada

Public Utilities Commission of Nevada

The construction of a utility facility, defined as a transmission line that is 200-kV or more, requires a permit by the Public Utilities Commission of Nevada under the Utility Environmental Permit Act according to the Nevada Revised Statutes (NRS) 704.820 through 704.900. However, the replacement of an existing facility with a like facility, as determined by the Commission, does not constitute construction of a utility facility (NRS 704.865).

3.9.2.3 Local Plans and Policies

Clark County Comprehensive Plan

The Clark County Comprehensive Plan policy applicable to the project is as follows:

- Energy transmission facilities should be located adjacent to existing energy transmission facilities. New pipelines and power lines should be limited to existing corridors and their placement within the corridors should be as close together as possible.

South County Land Use Plan

Clark County has included in their South County Land Use Plan of 2008 the following goals and policies for the Ivanpah Airport Environs Overlay (for the SNSA):

- *Goal SC13: Provide for compatibility between Ivanpah Airport Environs and existing or proposed land uses.*
- *Policy SC13.1: New development projects located in the Ivanpah Airport Noise Compatibility Area (ANCA) shall comply with additional ANCA land use regulations.*
- *Policy SC13.2: Encourage building and structures to comply with any regulations established for the Ivanpah Airport Noise Compatibility Area (ANCA) unless deviations are deemed appropriate by the Airport Hazard Areas Board of Adjustment.*

- *Policy SC13.3: Encourage development patterns and standards compatible with the future operations of the Ivanpah Airport since most of Jean and Primm will be within the Airport Noise Compatibility Area (ANCA).*

These restrictions would only apply to the Ivanpah Airport Environs Overlay (see Figure 3.9-1), which is crossed by the project between approximately MP 24.5 and MP 28.5. As described above, to date, the SNSA has not been approved and the EIS for the SNSA is not scheduled to be published until late 2012 or 2013.

Title 30 Clark County Unified Development Code: Uses 30.44

SLUCM Code 4800

Public Utility Structures, including 34.5-kV or greater transmission lines (not including communication towers and antennas)

For utility poles only, Conditional Use in all districts is subject to:

1. Additional height to existing poles:
   a. 20 additional feet may be added to the height of original poles, or poles may be replaced on a one-for-one basis as long as the height of the new pole does not exceed the height of the original pole by more than 20 feet.
   b. If more than 20 feet is added, the pole must be set back 300 percent of the height of the pole from residential development.
2. Additional poles may be added to existing utility corridors if an administrative minor deviation is approved with letters of consent from adjacent and affected property owner. Letters are not required from publicly owned property.
3. Compliance with fugitive dust regulations, if applicable, per Clark County Air Quality Regulations.

Clark County Multiple Species Habitat Conservation Plan and EIS

The Clark County MSHCP has several concerns and recommendations concerning utility construction, which are as follows:

Threat 1201:	Mortality through collisions and electrocution with power lines.
Conservation Action(s):	site new power lines in consolidated utility corridors adjacent to existing facilities; retrofit existing lines where appropriate.
Threat 1202:	habitat degradation associated with utility facility construction and maintenance.
Conservation Action (s):	minimize new road construction associated with new utility facilities; where possible, close and rehabilitate unneeded existing roads or new roads after construction.
Threat 1203:	increased availability of perch sites for ravens (tortoise predators) and raptors.
Conservation Action (s):	incorporate design feature into new towers to inhibit raptor or raven perching and nesting: as appropriate, retrofit existing towers with devices to discourage raptor and raven perching.

Boulder City Master Plan

A review of the Boulder City Master Plan determined that no land use plans or policies apply to the project.

Boulder City Conservation Easement

According to the "Interlocal Agreement for Sale and Grant of a Conservation Easement" between Boulder City and Clark County in 1994, the purpose of the BCCE is "to assure that the Property will be retained in a natural condition and to prevent any use of the Property that will impair or interfere with its National Resource Value." The terms of the easement are enforced by Clark County (the Grantee), which instituted "measures to preserve, protect, manage and study the Natural Resource Values of the Property, and in particular the habitat of the desert tortoise" (Boulder City and Clark County 1994) through the Clark County MSHCP. The agreement also reserves to Clark County limited rights to construct utilities as described in Exhibit B to the agreement and to maintain certain corridors and ROWS, such as the BLM-designated utility corridors discussed above under the Stateline Supplemental RMP/Final EIS. Prior to undertaking any act that would have "adverse impacts upon the Natural Resources Values," Clark County must inform the USFWS and incorporate USFWS recommended mitigation measures to reduce adverse impacts "to the greatest extent practicable" (Boulder City and Clark County 1994). The City of Boulder City must also be consulted for approval of new land uses in the area.

San Bernardino County General Plan

A review of the San Bernardino County General plan determined that no applicable land use plans or policies apply to the proposed project because the part of the project that passes through San Bernardino County falls along an existing BLM ROW.

3.9.3 Impact Analysis

This section defines the methodology used to evaluate impacts on land use, including CEQA impact criteria. The definitions are followed by an analysis of each alternative, including a joint CEQA/NEPA analysis of impacts. At the conclusion of the discussion is a NEPA impact summary statement and CEQA impact determinations. For mitigation measures, refer to Section 3.9.4.

3.9.3.1 NEPA Impact Criteria

The NEPA analysis determines whether direct or indirect effects to land use would result from the project, and explains the significance of those effects in the project area (40 CFR 1502.16). Significance is defined by Council on Environmental Quality regulations and requires consideration of the context and intensity of the change that would be introduced by the project (40 CFR 1508.27). Impacts are to be discussed in proportion to their significance (40 CFR 1502.2[b]). To facilitate comparison of alternatives, the significance of environmental changes is described in terms of the temporal scale, spatial extent, and intensity.

3.9.3.2 CEQA Impact Significance Criteria

Under CEQA, the proposed project would have a significant impact if it would:

a. physically divide an established community;

b. conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project; or

c. conflict with any applicable habitat conservation plan or natural community conservation plan.

3.9.3.3 Methodology

To determine whether or not impacts would occur as a result of the proposed project, the various land use designations that exist within the project area were reviewed to determine whether or not the project construction and operations would be consistent with the designated and allowable uses. In addition, specific plans relative to the use

and management of specially designated lands were evaluated to determine if the proposed project construction and operations would conflict with these plans. In addition, specific legal ROW agreements and ownership contracts were reviewed as available.

3.9.3.4 Applicant Proposed Measures

The applicant has included the following applicant proposed measure (APM) related to land use:

APM LU-1: Aeronautical Considerations. The applicant would submit notice to FAA electronically, in accordance with FAA procedures, and as far in advance of construction as possible.

3.9.3.5 Proposed Project / Proposed Action

Construction

Eldorado–Ivanpah Transmission Line

Land Use Jurisdictions

As listed in Table 3.9-1, the transmission line would cross lands within the jurisdiction of BLM Needles, Clark County, BLM Las Vegas, and the BCCE.

Land under the jurisdiction of the BLM Needles Office is designated public land open to a variety of multiple uses including recreation, grazing, mineral extraction, and the issuance of land use authorizations. Land under the jurisdiction of the BLM Las Vegas Office is designated as open public lands and recreation. Transmission line construction is an allowable use on land with these designations so long as BLM determines that a ROW grant would be in the public interest. Because the purpose of the project is to upgrade an existing transmission line and the majority of the line would be within the boundaries of an existing BLM-designated utility corridor, following existing ROWs, the proposed project would therefore be consistent with BLM land management plans and policies.

The route would also cross Clark County land designated as commercial. Transmission lines 34.5-kV or greater are an allowable use in all districts (zones/land use designations) in Clark County if the applicant follows conditions set forth by the Clark County Unified Development Code (the Code). The Code is outlined above in Section 3.9.2.3, "Local Plans and Policies." The proposed project would comply with the conditions outlined by the Code and therefore is consistent with Clark County plans and policies.

The portion of the proposed project that crosses the BCCE would be constructed mostly within the boundary of BLM-managed utility corridors; however, less than one mile would cross outside of the corridor at MP 2 along an existing 70-foot ROW before reconnecting with an adjacent designated corridor to the south and continuing east to the Eldorado Substation. Construction of the proposed project within the BLM-designated utility corridor is an allowable use; however, construction on the portion outside of the utility corridors would require approval from Clark County and Boulder City per MM LU-1. Construction of the EITP along the existing ROW, even though it falls outside of the BLM-designated utility corridor, would be compatible with the Clark County MSHCP because the primary purpose of the plan is to minimize adverse impacts on natural resources within the BCCE. Currently, the EITP, as proposed, would disturb less habitat than the two identified alternatives (Transmission Alternative Routes A and B) even though they would fall entirely within the corridors as discussed in further detail in Section 3.4, "Biological Resources."

Grazing Allotments

The transmission line would cross one active grazing allotment, Hidden Valley, between MP 10.5 and MP 12, and one open but inactive grazing allotment, Clark Mountain, MP 29 and MP 34. Construction of the transmission line could have a temporary effect on grazing in the Hidden Valley allotment within the construction area during project construction.

Recreation Areas and Special Recreation Management Areas

The transmission line would cross the Ivanpah Dry Lake Recreation Area between MP 29 and MP 31 and the Jean/Roach Dry Lake SRMA between MP 7 and MP 28.5. Temporary adverse effects to recreation may occur as a result of transmission line construction. For further discussion of impacts on recreation and mitigation measures, refer to Section 3.12, "Recreation."

Mining Claims

The transmission line would cross seven active mining claims. Project construction would temporarily restrict access of mining claim holders to their mining claims.

Airports

The transmission line passes within 0.5 miles of the proposed SNSA at MP 26 and within the Ivanpah Airport Environs Overlay between MP 24.5 and 28.5. While the SNSA has not yet been approved, the South County Land Use Plan contains policies related to compatibility with land use planning efforts for the future SNSA. In order to comply with these policies and reduce future land use conflicts with the SNSA, MM HAZ-2 requires that the applicant consult with the FAA prior to final project design.

Ivanpah Substation

The Ivanpah Substation would be constructed within the Clark Mountain Grazing allotment. Construction of the Ivanpah Substation would permanently remove approximately 38.5 acres of grazing land from the Clark Mountain grazing allotment which would account for 0.04 percent of the total acreage of the Clark Mountain allotment. Removal of 38.5 acres of the allotment would result in the loss of 0.66 AUMs.

Telecommunications Line

Construction of the redundant telecommunications line would not result in any additional impacts on any land use plans, grazing allotments, AUMs, Special Management Areas, or mining claims other than those discussed above for the transmission line. Construction of the redundant telecommunications line would occur within an existing ROW on BLM lands designated as Preservation/ Recreation. The line crosses seven mining claims and the Piute-Eldorado ACEC between MP 5.5 and MP 26.5. As telecommunications line construction activities would occur within existing ROWs, neither the Piute-Eldorado ACEC nor mining (see Section 3.6, "Geology, Soils, and Minerals," for further discussion of mining) would be adversely affected as a result of construction of the telecommunications line.

Operation & Maintenance

Eldorado–Ivanpah Transmission Line

Operation and maintenance activities of the transmission line would take place within an existing ROW and maintenance vehicles would use existing roads when servicing the transmission lines from the ground; therefore, land uses or policies would not be adversely affected.

Ivanpah Substation

Operation and maintenance of the Ivanpah Substation would involve visits to the Substation by maintenance personnel throughout the life of the project. Maintenance personnel would travel to the site as needed on roads within the ROW; therefore, the grazing allotment would not be adversely affected.

Telecommunications Line

Operation and maintenance activities of the telecommunications line would take place within an existing ROW and maintenance vehicles would use existing roads when servicing the telecommunications line from the ground; therefore, land uses would not be adversely affected.

NEPA Summary

Short-term, localized, negligible adverse impacts on the Ivanpah Dry Lake Recreation Area, the Jean/Roach Dry Lake SRMA and the Hidden Valley grazing allotment could occur as a result of project construction. Long-term, localized, negligible adverse effects on the Clark Mountain grazing allotment would occur as a result of operation as it would remove 38.5 acres of land from the 97,560 acre grazing allotment Construction of the substation would result in a long-term adverse negligible impact on the Clark Mountain Allotment. Construction of the proposed project could also have adverse impacts on land uses within the BCCE and the Ivanpah Airport Environs Overlay area; however, impacts would be reduced with the implementation of MM LU-1 and MM HAZ-2, respectively.

CEQA Significance Determinations

IMPACT LU-1 Conflict with Applicable Plans and Policies
Less than significant with mitigation

The proposed project would be constructed mostly within an existing BLM-managed utility corridor; however, the proposed project would cross various land uses in both California and Nevada. For example, the project would be routed through the BCCE, which is managed by Clark County and the City of Boulder City with specific utility corridors reserved to the BLM. A portion of the proposed line around MP 2 would deviate outside of the BLM-designated utility corridors granted in U.S. Patent No. 27-95-0022 for less than one mile; however, the segment would follow the existing 115-kV ROW. Regardless, because the route deviates outside of the corridor and requires widening the existing 70-foot ROW, MM LU-1 is required. MM LU-1 requires that the applicant consult with Clark County and the City of Boulder City and acquire approval for activities outside of the BLM-designated corridor within the BCCE.

The route also crosses through land designated as the Ivanpah Airport Environs Overlay for the SNSA. In order to ensure that there are no impacts related to land use planning efforts for the future SNSA, the applicant would adhere to the policies of the South County Land Use Plan. Additionally, MM HAZ-2 requires that the applicant consult with the FAA prior to final project design to acquire a Hazard/No Hazard Determination and ensure consistency with FAA regulations. The SNSA is discussed in further detail in Section 3.7, "Hazards, Health, and Safety," and Chapter 5, "Cumulative Scenarios and Impacts."

The proposed project would cross a small area of private land in unincorporated Clark County. The land is zoned as commercial; however, transmission lines 34.5-kV or greater are an allowable use in all districts (zones/land use designations) in Clark County if they follow the conditions set forth by the Clark County Unified Development Code (the Code). The Code is outlined above in Section 3.9.2.3, "Local Plans and Policies." The proposed project would comply with these conditions; therefore, no impact would occur.

With the implementation of MM LU-1 and MM HAZ-2, the proposed project would not conflict with any plans or policies, and impacts under this criterion would be reduced to less than significant.

NO IMPACT. Divides an Established Community. The proposed project would be constructed primarily in non-urbanized areas of the Mojave Desert. The project would abut a casino employee housing area in Primm in the place of the current 115-kV line but would not physically divide it; therefore, there would be no impact.

NO IMPACT. Conflicts with Clark County MSHCP. See Section 3.4, "Biological Resources," for a discussion of biological impacts resulting from the proposed project in the BCCE and potential conflicts with the Clark County MSHCP.

3.9.3.6 No Project / No Action Alternative

Adoption of the No Project Alternative would have no adverse effect on any applicable land use plans or policies. There would be no short or long-term effects on any land use plans or policies, livestock grazing management, AUMs allocated to livestock, or Special Management Areas. No impacts would occur.

3.9.3.7 Transmission Alternative Route A

Transmission Alternative Route A would bypass the segment of the proposed transmission line alignment between MP 1 and MP 7 and would be constructed entirely within a BLM-designated utility corridor, thus avoiding potential conflicts with the BCCE. With respect to land use, impacts resulting from Transmission Alternative Route A would therefore be less than the proposed project.

3.9.3.8 Transmission Alternative Route B

Similar to Transmission Alternative Route A, Transmission Alternative Route B would bypass the segment of the proposed transmission line that runs north and south near MP 2, outside of the BLM-designated utility corridor. Alternative B would be constructed entirely on lands within BLM-designated corridors, thus avoiding potential conflicts with the BCCE. With respect to land use, impacts resulting from Transmission Alternative Route B would therefore be less than the proposed project.

3.9.3.9 Transmission Alternative Route C

Transmission Alternative Route C would route the proposed transmission line off the existing SCE transmission ROW at MP 27, locating it around Ivanpah Dry Lake before reconnecting to the EITP route near MP 31. Alternative C would be constructed on BLM Las Vegas and BLM Needles lands designated as Open Public Lands, a Nevada Department of Transportation Corridor, and private lands in unincorporated Clark County land designated as commercial land. Transmission line construction is an allowable use on BLM land designated as Open Public Lands, as long as BLM determines that it is an appropriate use of the land. It is also an allowable use in Nevada Department of Transportation (NDOT) transportation corridors.

Adoption of Transmission Alternative C would temporarily restrict access to one mining claim during construction. See Section 3.6, “Geology, Soils, Minerals, and Paleontology,” for impacts on mining.

3.9.3.10 Transmission Alternative Route D and Subalternative E

Alternative D would deviate from the proposed project at the northeastern edge of the Ivanpah Dry Lake at MP 27 traveling around Ivanpah Dry Lake and rejoining the proposed route at MP 30. Alternative D and Subalternative E would be constructed on lands designated as Open Public Lands and Recreation and on private unincorporated Clark County lands designated as vacant. Transmission line construction is an allowable use on the BLM land designated as recreation because the land is located within in an existing BLM-designated utility corridor, and on BLM lands designated as Open Public Lands so long as BLM determines that it is an appropriate use of the land.

Transmission Alternative Routes D and Subalternative E would have no impact on land use.

3.9.3.11 Telecommunication Alternative (Golf Course)

The Golf Course Telecommunication Alternative is a 20-mile alternative that is broken into two segments for discussion purposes. The first segment is a 10-mile segment that would proceed from the town of Nipton to I-15 (MP 1 to MP10) along the north side of Nipton Road, parallel to the northern boundary of the Mojave National Preserve. Approximately 1 mile would be constructed above ground on the existing Nipton 33-kV Line and 9 miles would be constructed underground alongside Nipton Road approximately 3 feet from the pavement within the ROW of Nipton Road. This segment of the Golf Course Alternative would cross BLM lands designated as Preservation/Recreation and unincorporated San Bernardino County lands designated as commercial.

The second segment is a 10-mile segment that would stretch from the intersection of Nipton Road and I-15 to the Primm Golf Course to the Ivanpah Substation on the existing Nipton 33-kV Line and the to-be-constructed EITP 230-kV transmission line entirely on BLM-managed lands. The BLM-managed lands crossed by this segment are designated as Open Public Lands. Additionally, this alternative would cross the Valley View Grazing Allotment and the Clark Mountain Grazing Allotment. These allotments are not currently under grazing and no impacts on grazing would occur as a result of the adoption of the Golf Course Telecommunication Alternative.

Telecommunication Alternative (Golf Course Alternative) would cross one mining claim. Adoption of the Golf Course Alternative would temporarily restrict access of mining claim holders to their mining claims during construction, a short term, negligible, localized impact.

Adoption of the Golf Course Alternative would temporarily restrict access of mining claim holders to their mining claims during construction; therefore, the Golf Course Alternative would have a short-term, negligible impact on mining in the area.

3.9.3.12 Telecommunication Alternative (Mountain Pass)

The Mountain Pass Telecommunication Alternative is a 25-mile alternative that is broken into two segments for discussion purposes. The first segment is a 10-mile segment that would proceed from the town of Nipton to I-15 (MP 1 to MP 10) along the north side of Nipton Road, parallel to the northern boundary of the Mojave National Preserve. Approximately 1.0 mile would be constructed above ground on the existing Nipton 33-kV Line and 9.0 miles would be constructed underground alongside Nipton Road approximately 3 feet from the pavement within the ROW of Nipton Road. This segment of the Mountain Pass Alternative would cross BLM lands designated as Preservation/Recreation.

The second segment is a 15-mile segment that would begin at I-15 and continue to the town of Mountain Pass and then to the Ivanpah Substation on the existing Nipton 33-kV Line. Approximately 500 feet of underground conduit would be installed from the Ivanpah Substation to the last Nipton 33-kV distribution line pole.

Telecommunication Alternative (Mountain Pass) would cross four mining claims. Adoption of the Mountain Pass Alternative would temporarily restrict access of mining claim holders to their mining claims during construction; therefore, the Mountain Pass Alternative would have a short-term, negligible adverse impact on mining in the area.

The BLM and NPS lands crossed by the Mountain Pass Alternative are designated as Open Public Lands, and the San Bernardino County Land is designated as Vacant and Industrial. As the Mountain Pass Alternative would be constructed on the existing Nipton 33-kV distribution line within an existing ROW, and within the boundary of the existing ROW for Nipton Road; and as the Clark Mountain Allotment is not currently being grazed, other than those discussed above, no additional impacts would occur as a result of the adoption of the Mountain Pass Telecommunication Alternative.

3.9.4 Mitigation Measures

MM LU-1: Obtain Approval from Clark County and the City of Boulder City for Activities Outside of BLM-Designated Utility Corridors in the BCCE. Prior to construction, the applicant must consult with and obtain permission from Clark County and the City of Boulder City regarding construction outside of BLM-designated utility corridors in the BCCE. The applicant will submit a record of this consultation to the BLM and the CPUC prior to construction.

3.9.5 Whole of the Action / Cumulative Action

Below is a brief summary of information related to land use in the ISEGS Final Staff Assessment / Draft Environmental Impact Statement (FSA/DEIS) prepared by the California Energy Commission (CEC) and the BLM. This section focuses on differences in the ISEGS setting and methodology compared with the setting and methodology discussed above for the EITP. This section also discloses any additional impacts or mitigation imposed by the CEC for ISEGS.

The Final Staff Assessment (FSA)/ Draft Environmental Impact Statement (DEIS) was structured differently from this document (EITP DEIS/DEIR). Grazing Allotments and AUMs allocated for livestock were disused in a stand alone chapter in the Ivanpah Solar Electric Generating System (ISEGS) document called Livestock Grazing; therefore, ISEGS impacts on resource areas relative to this chapter of the EITP DEIS/DEIR will be discussed in two parts, which will be Land Use and Agriculture and Livestock Grazing.

ISEGS Designated Areas impacts and mitigation measures are discussed in the Biological Resources section of this document (3.4.5 Biological Resources) Designated Areas impacts and mitigation measures were discussed in the Biological Resources section of the ISEGS FSA/DEIS.

3.9.5.1 Setting

Land Use and Agriculture

The proposed ISEGS project would be located in the Mojave Desert, in San Bernardino County, 4.5 miles southwest of Primm, Nevada, and 1.6 miles west of Ivanpah Dry Lake, entirely on public lands managed by the BLM. The proposed ISEGS project would be constructed on land governed by the CDCA Plan, and would require an amendment to the CDCA Plan for siting of the facility.

Livestock Grazing

The ISEGS site is located within the existing BLM Clark Mountain Allotment Grazing Lease, which is a perennial/ephemeral allotment. The allotment contains 97,560 acres of public lands. The approximate 4,073-acre ISEGS site boundary is approximately 4 percent of the area of the allotment.

Applicable Laws, Regulations, and Standards

Due to the variation in project components and location between EITP and ISEGS, different laws, regulations, and standards would apply to ISEGS than those listed above in Section 3.9.2. Since ISEGS would be developed entirely within California on BLM land, the Nevada regulations associated with EITP would not apply. Laws, regulations, or standards that apply to the ISEGS project with respect to Land Use and Agriculture and Livestock Grazing are listed below.

Land Use and Agriculture

Law, regulation, or standard	Description
Federal	
Bureau of Land Management	California Desert Conservation Area (CDCA) Plan; Northern and Eastern Mojave Desert Management Plan Code of Federal Regulations Title 40; Chp. V. Code of Federal Regulations Title 43; 1610.5-3, Part 2800 Federal Land Policy and Management Act (1976)
State	There are no state land use laws, ordinances, regulations, or standards for this project
Local	San Bernardino County General Plan San Bernardino County 2007 Development Code

Livestock Grazing

Law, regulation, or standard	Description
Federal	
Taylor Grazing Act of June 28, 1934	Congress passed the Taylor Grazing Act in 1934 to direct occupancy and use of public rangelands, to preserve natural resources from destruction or unnecessary injury, and to provide for the orderly use, improvement, and development of rangelands.
Federal Land Policy and Management Act (FLMPA, 1976)	Section 202 of FLPMA requires BLM to develop and maintain land use plans for public lands, which in turn identify lands that are available for the issuance of permits or leases for grazing. Subchapter IV provides for Range Management.
Public Rangelands Improvement Act	Defines rangeland, establishes a national policy to improve the condition of rangelands, requires a national inventory of rangelands, and authorizes funding for range improvement projects.
43 Code of Federal Regulations Part 4100	Regulations under which BLM administers its grazing program.
California Desert Conservation Area (CDCA) Plan	Defines Multiple-Use Classes for BLM-managed lands in the CDCA, which includes the land area encompassing the proposed project location.
Northern and Eastern Mojave Desert Management Area (NEM0)	An amendment to the CDCA Management Plan, the NEMO Plan establishes standards and guidelines for grazing activities in the NEMO.
Local	San Bernardino County General Plan San Bernardino County 2007 Development Code

3.9.5.2 Methodology

The ISEGS FSA/DEIS evaluated potential environmental impacts of ISEGS on land use, agriculture, grazing allotments, and AUMs allocated to grazing in compliance with both CEQA and NEPA. The Land Use section of the EITP DEIS/DEIR does not include a discussion of impacts on Agriculture, as it was determined early in the environmental review process that no agricultural land would be impacted by EITP. CEQA criteria used to determine ISEGS impacts on land use did not differ from the criteria used to determine EITP impacts, as listed in Section 3.9.3.5. CEQA criteria used to determine ISGES impacts on agriculture are as follows:

- Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency and the United States Department of Agriculture Natural Resources Conservation Service Web Soil Survey, to non-agricultural uses;
- Conflicts with existing zoning for agricultural use, or a Williamson Act Contract; and
- Involves other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to nonagricultural use.

Because the project would be located on federal land, California state regulations which protect and manage farmlands, including livestock grazing, are not applicable to the proposed project area. The impact of the proposed project and alternatives on livestock grazing would be considered significant under CEQA if the result of the ISEGS' displacement of grazing cattle were to cause a significant impact on the environment or to livestock under the jurisdiction of California.

Under NEPA, the impact of the proposed project and alternatives on the Clark Mountain Allotment would be considered significant if they would involve changes in the existing environment which, due to their nature or location, could result in a significant reduction in foraging opportunities to plan communities on the ISEGS site or to the safety of livestock.

3.9.5.3 Impacts

Land Use and Agriculture

The California Energy Commission (CEC) has identified the following impacts related to land use and agriculture for the ISGES project:

- Staff considers the 100 percent loss of Utility Corridor BB as attributable to ISEGS to be an adverse direct impact; however, the impact is less than significant since there would be some remaining opportunity to route future utility lines through the construction logistics area in Corridor BB and through remaining portions of Corridor D.

Livestock Grazing

Under NEPA, the impact would be modification of the allotment boundaries, resulting in a minor 4 percent reduction in allotment acreage, which is not considered a significant adverse impact on foraging opportunities or to the safety of livestock. With respect to CEQA, there would not be a significant adverse impact because discontinuing livestock grazing at the ISEGS site would not result in damage to the desert environment or affect the safety of livestock.

3.9.5.4 Conditions of Certification / Mitigation Measures

Land Use and Agriculture

The ISEGS FSA/DEIS recommends that the following Conditions of Certification be required by the CEC and the BLM to lessen impacts to noise if the project is approved:

LAND-1. The project owner will obtain a ROW grant from the BLM. Among the conditions for obtaining the ROW grant, the applicant will provide the following:

A. Prior to issuance of any ROW grant, the project owner will submit a final Plan(s) of development that describes in detail the construction, operation, maintenance, and termination of the ROW and its associated improvements and/or facilities. The project owner will construct, operate, and maintain the facilities, improvements, and structures within this ROW in strict conformity with the final approved Plan of Development. The degree and scope of these plans will vary depending upon (1) the complexity of the ROW or its associated improvements and/or facilities, (2) the anticipated conflicts that require mitigation, and (3) additional technical information required by BLM's Authorized Officer and the Compliance Project Manager (CPM). The plans will be reviewed, and if appropriate, modified by the project owner until acceptable, and approved by BLM's Authorized Officer and the CPM. An approved Plan of Development will be made a part of the ROW grant. Any relocation, additional construction, or use that is not in accord with the approved Plan(s) of Development, will not be initiated without the prior written approval of BLM's Authorized Officer and the CPM.

B. A bond, acceptable to BLM's Authorized Officer, will be furnished by the project owner prior to the issuance of a Notice to Proceed with construction or at such earlier date as may be specified by BLM's Authorized Officer. The amount of this bond will be determined by BLM's Authorized Officer. This bond must be maintained in effect until removal of improvements and restoration of the ROW have been accepted by BLM's Authorized Officer and the CPM.

Verification: At least 30 days prior to the start of construction and prior to any Notice to Proceed with construction issued by BLM's Authorized Officer and the CPM, documentation of the following:

A. BLM's ROW Grant and final approved Plan of Development;

B. The bond satisfactory to BLM's Authorized Officer;

C. Certification that the project owner acknowledges that the ISEGS development and all related construction, operation, maintenance and closure activities are to be conducted in conformance with the approved Plan of Development and within the approved ROW boundaries for the life of the project.

LAND-2. The applicant's project description and associated construction plans will be revised to allow a minimum 20-foot buffer between the security and tortoise exclusion fence, and the proposed ROW boundary. Once the fencing is constructed, all inspection, monitoring, and maintenance activities required outside of the fencing will occur on lands included within this buffer area and ROW boundaries. Should project activities requiring the use of an area larger than the buffer be required (such as installation of new drainage structures one acre or more in size), the project owner will make application to the BLM for a Temporary Use Permit or additional ROW Grant may require additional environmental evaluation pursuant to the National Environmental Policy Act and the California Environmental Quality Act.

Verification: At least 60 days prior to the start of construction, the project owner will provide BLM's Authorized Officer and the CPM with a revised project description and construction plans specifying the inclusion of the buffer zone within the ROW boundaries. The project owner will also provide BLM's Authorized Officer and the CPM with certification acknowledging that the ISEGS development and all related construction, operation, maintenance and closure activities are to be conducted within the ROW boundaries for the life of the project.

Livestock Grazing

The ISEGS project would pose no significant risk to grazing livestock if recommended mitigation measures were implemented. Speed limits of 10 miles per hour on unpaved roads and 25 mph on stabilized roads imposed for fugitive dust control, as would be required under **Air Quality Conductions of Certification AC-SC3 and AQ-SC7,** are expected to be effective in also protecting grazing livestock from vehicle strike.

Fencing of project construction areas and of permanent facilities used during operations would be required as a component of the Construction and Operation Site Security Plans as specified under **Hazardous Materials Conditions of Certification HAZ-4 and HAZ-5**. These Conditions of Certification would provide adequate mitigation measures for protection of livestock roaming areas near the project.

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