

CONDITIONS OF APPROVAL**Applicant: NV Energy****Assessor Parcel Number: Various**

Public Hearing Date: July 15, 2010
Zoning District: Agricultural, Industrial
Master Plan Designation: Public
Request: Special Use Permit for an approximately
110-mile long electric utility facility ("Project")
Corridor and related facilities
File Number: **10-100-SUP-A-PC**



0136599

CONDITIONS:

Within 90 days of the final decision for the Special Use Permit, the Applicant shall:

1. Record all conditions of approval with the Lincoln County Recorders office in the prescribed format.

Prior to commencement of construction of project the Applicant or Applicant's assignee/contractor shall:

1. Submit a detailed Construction Operation and Maintenance Plan for review to the Lincoln County Planning and Building Departments.
2. Demonstrate compliance with the Road Maintenance and Restoration Agreement and Financial Security requirements and financial security set forth in Exhibit B attached to this document. Copies of required agreements and/or financial security set forth in Exhibit B shall be provided to Lincoln County Planning Department prior to commencement of construction of the project.
3. Coordinate with the county road department and post temporary speed limit signs where requested by the County. All costs for such signs and their installation will be the burden of the Applicant.
4. Submit a detailed timing and phasing plan of construction activities to the Lincoln County Planning Department for distribution to county staff and officials 30 days prior to the commencement of construction.
5. Submit maps identifying the receiving areas for building materials for purposes of sales tax revenue. Applicant will use commercially reasonable efforts to deliver building materials utilized within Lincoln County to pre-identified sites within the county.
6. Obtain physical address assignments for any temporary locations that will contain buildings, batch plants, or major storage/delivery/staging areas if required by the Lincoln County Sheriff's Department.



Commencement of construction shall be defined as the first day of excavation activities within Lincoln County related to the project construction, such as boring of foundations or road blading. Activities of nominal or zero ground disturbance such as flagging, fencing, surveying, soil sampling, geotechnical testing, etc. shall not be deemed excavation activities. The Applicant shall provide reasonable notice to Lincoln County prior to commencement of construction.

Construction Conditions:

The Applicant or Applicant's Assignee/Contractor shall:

1. Reimburse the Lincoln County Road Department for road inspections conducted solely in connection with this project by the Lincoln County Road Department, and in accordance with the requirements and estimated costs provided in Exhibit A.
2. Obtain disposal services and drop boxes through Lincoln County Disposal Service or a similar service for a commercial user for the project. Materials may not be disposed of at community transfer station locations.
3. Apply for building permit as required by the Lincoln County Development Code, and will be subject to building permit fees established in Exhibit C. Building permits and grading plans may be required for the regeneration sites or any other required buildings not outlined in this review to ensure compliance with the Lincoln County Development Code.
4. Submit for an administrative plot plan review with any building permits required as part of this project. An administrative plot plan review will be required for the regeneration sites, communication towers or any other required buildings not outlined in this review to ensure compliance with development standards.
5. Submit grading plans and encroachment permits for access roads associated with any proposed buildings excluding transmission tower structures per Exhibit C. Address assignments will be required for all buildings, batch plants, and major delivery, storage or staging locations.
6. Adhere to Exhibit D in order to mitigate or eliminate impacts to public land users include grazing uses and permittees.
7. Ensure that all outdoor lighting fixtures for buildings will be hooded and shielded, face downward, located within soffits and directed away from adjacent parcels. Exterior lighting locations shall be submitted with the building permit site plan review and architectural drawings indicating the types of lighting and fixtures, the locations of fixtures, lumens of lighting, and the areas illuminated by the lighting plan. All lighting will be approved in accordance with county code lighting standards. Any required FAA tower lighting or temporary construction lighting is exempt from this condition.
8. In the event that archeological resources are discovered, cease work in the affected area and notify BLM and, if required the State Historic Preservation Office, in accordance with the approved Historic Properties Treatment Plan. In addition, Applicant shall provide a courtesy notice to Lincoln County Planning Department, but any confidential information shall be treated in accordance with the approved Historic Properties Treatment Plan.
9. Submit to Lincoln County for approval of any permanent on-site or off-site signage(except for directional, public safety or traffic control) required for the facility or related operation.
10. Assemble building materials for the project outside of the county road right of way to avoid interrupting any traffic flow on county roads.



11. Declare all personal property in accordance with the Lincoln County Assessor used within the County if required by and in accordance with state law during the project.

Miscellaneous conditions:

1. The duration of this approval is perpetual, provided that if commencement of construction of the project does not begin on or before the date that is five (5) years after this document is recorded, this approval shall expire. The applicant may request no more than 2 extensions of 3 years each to commence construction beyond the original approval. Extensions must be requested in writing no later than 30 days prior to expiration of this approval.
2. This special use permit is valid for only the prescribed uses and does not constitute a blanket approval for other uses in the facility or within other areas of the community. The prescribed facilities include transmission towers, fiber optic regeneration facility sites, and temporary work areas associated with construction activities, such as aggregate sites, batch plant/laydown areas, structure work areas, and wire pulling/tensioning sites.

The prescribed uses include any other ancillary facilities outlined in the Construction, Operation, and Maintenance Plan as approved by BLM. Other on-site or off-site uses not outlined as part of this Project would need to gain separate approval by the county in accordance with the county code.

3. Adhere to any local, state or federal standards for permitting, if required.
4. Apply for Lincoln County Business Licenses for any operator, who constructs operates or maintains the corridor or its related facilities.

This document is to be notarized and recorded with the Lincoln County Recorders Office WITHIN 90 DAYS OF APPROVAL.

10-19-2010
Date

Matthew E. Gingerich
Signature

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

Subscribed and sworn before me this 19TH day of OCTOBER, 2010

Matthew E. Gingerich
Notary Public in and for
said County and State





EXHIBIT A

Lincoln County Road Department Inspection Fees Agreement

NV Energy ("Applicant") agrees to reimburse the Lincoln County Road Department (the "Department") for road inspections conducted in accordance with this agreement and in connection with the construction of an approximately 110-milelong electric utility facility ("Project") by the Department. The Project will traverse approximately 110 miles through Lincoln County. This agreement shall not include any road inspections conducted on a routine basis by the Department, nor does it include any roads which are not used by the Project or located outside of Lincoln County. The Department will also be entitled to receive reports documenting the current conditions of the roads as they become available upon completion by Applicant's contractor. The Department agrees to conduct inspections in a reasonable and prudent manner. To ensure that the Department is adequately reimbursed for road inspections conducted pursuant to this agreement, provided below are estimates for road inspection frequency and costs.

Project construction in Lincoln County is estimated to last approximately 21-24 months (up to 104 weeks), but the actual construction timeframe may be less than or more than the estimated time. Reimbursements pursuant to this agreement shall be allowed for the actual duration of the construction, but fees shall not exceed the total amount identified below.

Up to twenty-eight (28) road inspections may be reimbursed during the construction. This includes no more than one (1) road inspection every other week during the duration of Project construction, and up to two (2) final road inspections upon construction completion. Each inspection will consist of one (1) man and one (1) vehicle for a maximum of eight (8) hours per day, and the total hours billed during the Project construction period shall not exceed two hundred and twenty four (224) hours. The final road inspection shall not exceed two days and up to sixteen (16) billable hours. Total hourly fees for the inspection shall be \$100.00/hour, based upon \$80.00/hour for inspector and \$20.00/hour for vehicle. Based upon the estimated construction timeframe, the total road inspection fees shall not exceed \$22,400.00. All inspections will be billed to Applicant at the above listed rates for actual hours logged by the Department and conducted solely in connection with the Project.



EXHIBIT B

Lincoln County Road Department Maintenance/Restoration Agreement and Financial Security

It will be the obligation of NV Energy ("Applicant") for the duration of the construction of an approximately 110-mile long electric utility facility ("Project") to ensure that any bladed and/or graveled roadways which are used during construction of the Project are maintained in a condition which is equal to or greater than the condition immediately prior to use related to Project construction. In addition, after the construction of the Project is complete, Applicant will be obligated to restore any bladed and/or graveled roadways to Lincoln County Road Department's (the "Department") Standards ("Standards") if such roadways meet the Standards on the day Applicant first began to use such roadway; or (ii) a condition that is equal or greater to the condition of such roadway immediately prior to the use by Applicant if such roadway did not meet the Standards on the day Applicant first began to use such roadway.

The Department acknowledges that it is in the interest of Applicant and its contractors to maintain the roads for the protection of specialized construction equipment and to ensure efficient construction progress. However, if county roadways included on Exhibit E are degraded due to use associated with Applicant's construction activities and are not timely repaired in accordance with this agreement, the Department, after providing notice to Applicant and giving Applicant thirty (7) days to cure each deficiency whereby roadway conditions would not likely result in public safety risk or impassability due to major roadway degradation, in the case of major roadway degradations repairs must be made within 24 hours of incident by the applicant or the county reserves the right at their sole discretion to mobilize crews and equipment to perform maintenance/restoration work that Applicant was obligated to perform pursuant to this agreement.

The reasonable costs associated with all such work will be billed to Applicant at the below listed rates for actual hours worked and materials used by the Department. In order to ensure reimbursement of the Department's costs associated with performance of work that Applicant was obligated to perform pursuant to this Agreement, Applicant shall post mutually agreeable financial security, which may be in the form of a maintenance bond, letter of credit, or other similar form of security. Applicant and the Department agree to negotiate in good faith an agreement setting forth the timing of any payments to be made pursuant to this agreement, amounts of security to be posted and mechanics for drawing upon such security.



Although it is the Department's expectation that Applicant will perform appropriate maintenance/restoration, provided below is the estimate for the security described above. Project construction is estimated to last twelve (12) months. The Department estimates the potential for 140 miles of roadway to be impacted during the construction of the Project. An estimated 96 days of maintenance/restoration work could be required during the construction of the Project and immediately following the completion of the construction. This is based on the estimate that the Department can repair 3 miles of roadway in an 8 hour day.

Fees will be charged at: \$300.00/hr. for a blade, water truck and foreman. The daily fees are not to exceed \$2,400.00 per 8-hour day, and \$230,400.00 for the estimated 12-month construction and the post-construction road restoration period. The Department has estimated the materials to be 15,000 yards of gravel at \$15.00 per yard for a total of \$225,000. Based on the estimated 96 days of maintenance/restoration projects, the posted financial security is estimated not to exceed 455,400. The Department agrees to use its best efforts to conduct the necessary maintenance and restoration in a commercially reasonable and prudent manner. All fees will be billed to Applicant at the above listed rates for actual hours logged and materials expended by the Department. All work is to be conducted solely in connection with the Project construction impacts.



EXHIBIT C

BUILDING PERMIT AND INSPECTION OVERVIEW

The Lincoln County Building and Safety Department will require the following permits for the ON Line, 500 KV Transmission Line:

1. Lincoln County Building Permits for approximately (448) Towers or Structures.
2. Lincoln County Building Permits for (2) Fiber Optic Regeneration Stations.
3. Lincoln County Grading/Utility Permits (if necessary) for (2) Fiber Optic Regeneration Stations.
4. Lincoln County Building Permits for (4) Communication Sites, which include a tower and an auxiliary control shelter.
5. Lincoln County Grading/Utility Permits (if necessary) for (4) Communication Sites.
6. Any other pertinent construction items, (construction camps, etc...) shall be permitted separately upon project implementation.

- The permit fees will consist of:
 - A) Plan Check Fee
 - B) Permit fee
 - C) Mileage fee
 - D) Special Inspection Fee (if appropriate)
- All permitting will follow current Lincoln County Building Department fee structures and schedules.
- Upon submission of the final Plan of Development, the Lincoln County Building Department will require an up-front project/plan review fee of \$350.00. Upon implementation of the project, the Lincoln County Building Department will issue permits and perform appropriate inspection. Each aspect of the project will be permitted as described below.

1. Lincoln County Building Permits for approximately (448) Towers or Structures.

The transmission line project will be separated into (2) Sections.

- Section 1 will consist of the project ROW from the Clark-Lincoln County Line to US Highway 93 in Delamar Valley. (Mile Post and Tower Section 204-147; approximately 57miles)
- Section 2 will consist of the project ROW from US Highway 93 in Delamar Valley to the Lincoln-Nye County Line near SR 318. (Mile Post and Tower Section 146-94; approximately 52 miles)

Section 1 will consist of approximately 244 towers or structures

-Section 1 will be broken into (12) Subsections of approximately (20) towers or structures each.

-Each Subsection will be issued (1) permit to cover the appropriate towers or structures; a total of (12) permits will be issued for Section 1 towers or structures along the ROW.

Section 2 will consist of approximately 206 towers or structures



-Section 2 will be broken into (10) Subsections of approximately (20) towers or structures each.
-Each Subsection will be issued (1) permit to cover the appropriate towers or structures; a total of (10) permits will be issued for Section 2 towers or structures along the ROW

-Permit Fees for Section 1 and 2 towers or structures will be based upon Lincoln County Building Department Special Inspection Rates. The fees will reflect a special inspection rate of \$50.00 per hour, plus plan review and mileage. Plan review will be charged at the special inspection rate.

-It is anticipated that (4 to 6) trips will be adequate for **each subsection** tower or structure inspections. (This will depend on location, topography, project timelines, accessibility, extent of engineering and structural modification, and other factors.)

-All time, (mileage, inspections, plan review, etc...) will be compiled and the proponent will be charged monthly for services rendered. Invoices will be issued monthly. A stop work order or revocation of the certificate of occupancy will be issued if balances owed exceed 60 days.

2. Lincoln County Building Permits for (2) Fiber Optic regeneration stations

The (2) regeneration stations will be permitted separately following the Lincoln County Building and Safety fee structures and schedule.

3. Lincoln County Grading/Utility Permits may be required for the permanent establishment of the Fiber Optic Regeneration Stations. (2) Separate permits will be required; these will coincide with the building permits for each.

4. Lincoln County Building Permits for (4) Communication Sites, which include the tower and auxiliary shelter.

The (4) Communication sites will be permitted separately following the Lincoln County Building and Safety fee structures and schedule.

5. Lincoln County Grading/Utility Permits may be required for the permanent establishment of the Communication Sites. (4) Separate permits will be required; these will coincide with the building permits for each.

A complete inspection record and directory will be developed for each aspect of the project upon the issuance of the final Plan of Development.



EXHIBIT D

As part of any Construction, Operation and Maintenance Plan submit a section entitled "Grazing Activities Coordination and Range Management" that addresses the following:

Coordinate this effort with the Lincoln County, the N-4 Grazing Board, and effected permittees at all stages of the project:

1. Provide a copy of the Construction, Operations, and Maintenance (COM) Plan or any other pertinent project documents or notifications to Lincoln County and the N-4 Grazing Board for a better understanding of the project.
2. Notify the County, Grazing Board, and all effected permittees as to the start and anticipated end of each phase of construction. Solicit inputs in terms of avoiding, minimizing, or mitigating impacts for each project phase.
 - a. The applicant will notify the grazing board at 3 months prior to construction within a specified allotment(s) to provide the permittee the opportunity work with project manager to avoid or minimize impacts to grazing operations.
 - b. At least one meeting will be held by the Project Manager with all subcontractors, the county building department administrator and the grazing board to identify items within this Exhibit and coordinate efforts to minimize impacts on grazing operations.
3. Provide contact information of Compliance Inspector or other Project Manager that can be contacted by the County, Grazing Board, or individual permittee if a problem arises.
4. Grazing Operations and Improvements
 - a. Maintain the integrity of all existing fencing, cattle guards, water sources, and other range improvements.
 - b. Close all gates, do not leave holes in existing fence when livestock are present, and repair all fence breaches. Coordinate directly with effected permittee if breaches in existing fences cannot be avoided.
 - c. Locate and maintain accessibility and functionality of all water sources, water storage and distribution infrastructure, and any other range improvements (such as corrals, chutes, cattle guards, etc.)



within the project area. In the event that this cannot be avoided, coordinate directly with permittee to mitigate the impact.

- d. Repair or replace any range improvement damaged due to construction activity.
5. Maintain current level of grazing in all affected allotments in compliance with Lincoln County's goal of no net loss of AUMs on public lands. If this cannot be accomplished work with Lincoln County, the N-4 Grazing Board, and BLM to determine appropriate mitigation for lost AUMs as a last resort.
 6. Transportation and Public Access
 - a. Maintain public access to public lands throughout the construction and operation phase.
 - b. Provide temporary access or detours through construction zones.
 - c. Restore any disturbed roadways to County Standards once construction is completed.
 - d. Restore any trails or two-track roads to previous condition once construction is completed.
 7. Land disturbance and re-vegetation practices
 - a. Provide a copy of the draft revegetation plan to the County and N-4 Grazing Board for review and comments.
 - b. **Minimize** construction disturbance area to the highest practical extent.
 - c. Utilize bright orange construction fence rather than lath and flagging to delineate all limits of disturbance.
 - d. In high traffic construction areas salvage native topsoil, and minimize soil erosion.
 - e. Revegetation requires use of native topsoil. In areas where a high level of disturbance is anticipated, the top 6" of soil should be removed, stockpiled, and protected from erosion due to wind or precipitation. The salvaged topsoil should be replaced at the conclusion of construction and used as a planting medium for revegetated species.



- f. Revegetate all disturbed areas with a mixture of native AND non-native adapted plant species (at least 40% of the seed mix) that will compete with invasive weed species. Provide temporary irrigation if need be to establish desired species.
- g. Develop revegetation success standards prior to land disturbance, and include a mitigation action plan if standards aren't reached.
- h. Develop protocols for actively managing any invasive weed outbreaks within the construction zone.
- i. Provide wild land fire protection equipment near active construction sites. Minimize fire starts and rapidly revegetate any accidental burn areas occurring as a result of fire starts from construction activity.
- j. Actively monitor revegetation areas for a minimum of 5 years following construction and implement invasive weed control in areas where outbreaks are detected.