

DECISION RECORD

Brady Hot Springs Well 15-12 Hydro-Stimulation Environmental Assessment DOI-BLM-NV-W010-2012-0057-EA

Introduction/Background

The Bureau of Land Management (BLM), Winnemucca District (WD), Humboldt River Field Office (HRFO) has completed the Brady Hot Springs Well 15-12 Hydro-Stimulation Environmental Assessment (EA) DOI-BLM-NV-W010-2012-0057-EA, dated January 2013. The EA analyzes the impacts associated with a proposed action from Brady Power Partners, a subsidiary of Ormat Nevada, Inc. (Ormat), to develop and test a geothermal reservoir using enhanced geothermal system (EGS) technologies. Ormat's well 15-12 was installed in April 2007 to serve as a production well; however, further testing revealed that the well does not have sufficient hydraulic connections with the geothermal reservoir and it has since remained inactive. Ormat proposes to implement a hydro-stimulation program (EGS) to increase energy production by enhancing natural hydraulic connections within the existing hydrothermal system. Hydro-stimulation involves creating better hydraulic connections by injecting cool geothermal water (temperatures ranging from 90-140°F) to further open the existing network of minute cracks in the rocks deep underground, where natural fractures already occur. During the process, geothermal water produced from the geothermal production wells and processed at the geothermal plant would be injected at wellhead pressures less than 1,400 pounds per square inch at depths ranging from approximately 4,245 to 5,096 feet below ground surface. The proposed action outlines environmental monitoring programs that include the injection of tracer compounds to identify movement of geothermal fluid, a water quality and quantity monitoring plan, and a seismic monitoring plan.

The project is located north of the Hot Springs Mountains, approximately 50 miles northeast of Reno, in Churchill County, Nevada; T. 22 N., R. 26 E., sec. 12. The project would be located on an existing production well and drill pad (Well 15-12) located on federal geothermal lease NVN 065558 held by Ormat. No new surface disturbance would be created. Ormat estimates that the project would be completed by approximately June 2013.

DECISION

Based on the Brady Hot Springs Well 15-12 Hydro-Stimulation EA DOI-BLM-NV-W010-2012-0057-EA and the Finding of No Significant Impact (FONSI), it is my decision to select the proposed action, subject to the continued use of the established Conditions of Approval for well 15-12 (refer to Appendix A of the EA) and implementation of the monitoring programs presented in the proposed action (refer to Sections 2.1 and 3.2.1 of the EA). In addition, authorization of operations conducted by Ormat will be subject to the following condition:

- It is the responsibility of Ormat to ensure all onsite employees and contractors are aware of the Conditions of Approval for well 15-12 to operate at the site and be aware of potential consequences of conducting activities that are not part of the proposed action. Accordingly, Ormat will be required to provide all employees and contractors who intend to work at the site, copies of the proposed action, the BLM-approved Geothermal Sundry Notice, FONSI, and this Decision Record. Ormat will also provide employees and contractors a copy of the associated EA.

Rationale

The rationale for this decision is based on factors including, but not limited to:

- Conformance with the approved Sonoma-Gerlach Management Framework Plan (MFP) dated July 1982.
- Conformance with the Geothermal Steam Act of 1970, Title 30, United States Code (USC), Chapter 23, Sections 1001 et seq. (30 USC 1001 et seq.).
- Conformance with the Code of Federal Regulations (CFR) at 43 CFR 3200, Geothermal Resources Leasing and Operations; Final Rule, May 2, 2007.
- Conformance with the Energy Independence and Security Act of 2007 (Public Law 110-140).
- Conformance with the 2005 Energy Policy Act; The National Energy Policy, Executive Order 13212.
- Based on the President's National Energy Policy and Executive Order 13212, the proposed action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse Energy Impact" is required per WO IM No. 2002-053 and NV IM 2002-049.
- Based on the consultation, coordination, and public involvement that has occurred, it is determined that this is a well informed decision.
- Based on the EA, it is determined that this decision will not result in any undue or unnecessary environmental degradation of the public lands and is consistent with federal, state, and local laws, regulations and plans.
- The proposed action will not adversely impact any threatened or endangered species or significant scientific, cultural, or historical resources.
- The proposed action, subject to the continued use of the established Conditions of Approval for well 15-12 and implementation of the monitoring programs presented in the proposed action, meets the purpose and need for the federal action.
- The EA and FONSI support this decision.

Compliance/Conformance

The proposed action is in conformance with the Sonoma-Gerlach MFP. The proposed action is consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and the Federal Land Policy Management Act (FLPMA) provisions. No federal, state, or local law, or requirement imposed for the protection of the environment will be threatened or violated.

Native American Consultation

On September 20, 2012, letters providing information relating to the proposed action were sent to the following tribes: Fallon Paiute and Shoshone Tribe, Lovelock Paiute Tribe, and Pyramid Lake Paiute Tribe. In addition, follow-up phone calls were conducted to ascertain if the Tribes had any concerns regarding the proposed action. From the letters and phone contacts made, it was determined that none of the Tribes had any concerns regarding the proposed action.

On November 21, 2012, a letter and copy of the Preliminary EA were provided to the above referenced Tribes. No comments or concerns were provided to the BLM from the Tribes contacted regarding review of the Preliminary EA.

Cooperating Agencies

The cooperating agency relationships established during this project facilitated the exchange of views and expertise between BLM personnel and other government officials and staff. This form of consultation, unique to planning and National Environmental Policy Act (NEPA) processes, was crucial to the shaping of this EA. As a result, the Bureau of Reclamation, the U.S. Department of Energy (DOE), the Nevada Department of Wildlife (NDOW), and Churchill County were extended invitations to be cooperating agencies in preparation of the EA. The BLM formalized a cooperating agency relationship with the DOE.

Intergovernmental Partners

Under the FLPMA of 1976, the BLM's coordination responsibilities include maximizing consistencies with the plans and policies of other government entities. Although, the Bureau of Reclamation, NDOW, and Churchill County did not opt for cooperating agency status on this particular project, there was close coordination between the BLM and the Bureau of Reclamation in the development of the proposal.

Public Involvement

On September 20, 2012, a 30-day public scoping period was initiated to identify potential concerns and solicit comments from the public and government agencies. Notification of the scoping period was provided to 125 agencies, organizations, businesses, and individuals via direct mail. In addition, the scoping letter and project details were posted on the BLM, WD NEPA website. A comment letter was received from the U.S. Environmental Protection Agency and the issues were subsequently incorporated into the Preliminary EA.

A NEPA interdisciplinary team meeting was held at the BLM, WD office on September 28, 2012. Attendees included the BLM resource specialists and the operator. The DOE and Reclamation joined the meeting via telephone. At this meeting, the NEPA interdisciplinary team identified issues and made an initial determination of what needed to be analyzed in the EA, data needs, possible alternatives, and public outreach needs.

On November 21, 2012, the Preliminary EA was posted on the BLM, WD NEPA website for a 30-day public review period. The BLM mailed letters to interested parties requesting substantive comments on the Preliminary EA by December 22, 2012. A comment letter was received from the U.S. Environmental Protection Agency (EPA) indicating that the analysis included in the Preliminary EA further promotes the purpose of NEPA. The EPA also expressed their continued support of the project purpose and further development of renewable energy.

A comment letter was received from the Nevada Division of Wildlife (NDOW) regarding sump construction (i.e., fencing, sloping, and/or escape ramps) and reclamation. NDOW also raised a concern regarding the potential storage of liquids in the sump which may be harmful to wildlife.

Given that surface disturbance activities (i.e., sump construction and reclamation) were previously analyzed and approved under EA NV-020-05-07 and the Decision Record dated December 2004, combined with the fact that no harmful liquids would be stored in the sumps (as indicated in the Preliminary EA) our review of the NDOW comments did not identify any areas in the Preliminary EA that required additional monitoring and/or mitigation.

No additional comments or concerns were provided to the BLM during the public review period. In total, the comments received did not result in a change to the analysis or conclusions made from the analysis.

APPEAL PROVISIONS

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Edward Seum, Field Manager, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Attached Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.



Edward Seum
Field Manager
Humboldt River Field Office



Date

Attachment: Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

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- 1. NOTICE OF APPEAL**..... A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
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- 2. WHERE TO FILE NOTICE OF APPEAL**..... US Dept of the Interior
Bureau of Land Management
5100 E Winnemucca Blvd
Winnemucca NV 89445 And US Dept of the Interior
Office of Hearings & Appeals
Interior Board of Land Appeals
801 N Quincy St MS 300-QC
Arlington VA 22203
- WITH COPY TO SOLICITOR**..... US Dept of the Interior
Office of the Solicitor
Pacific Southwest Region
2800 Cottage Way Rm E-2753
Sacramento CA 95825-1890 +
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- 3. STATEMENT OF REASONS** Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO** US Dept of the Interior And US Dept of the Interior
Office of the Solicitor Bureau of Land Management
Pacific Southwest Region 5100 E Winnemucca Blvd
2800 Cottage Way Rm E-2753 Winnemucca NV 89445
Sacramento CA 95825-1890
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- 4. ADVERSE PARTIES**..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.
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- 5. PROOF OF SERVICE**..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
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- 6. REQUEST FOR STAY**..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.
