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P1.1 While additional references to the temporary use of roads and trails could be added, the southern access road is identified as temporary in text on pages ES-1, ES-8, 3-22, 5-1, 5-14, 5-25, 5-32, 5-48, and 6-8 and more importantly, acreages for the southern access road are identified as temporary in Table ES-2 and Table 6-2.

P1.2 The commenter is correct. See Errata Sheet, Section 3.

P1.3 The commenter is correct. See Errata Sheet, Section 5.

P1.4 The commenter is correct. See Errata Sheet, Section 5.

P1.5 Figure 5-7 is explained in text on page 5-72 as well as in the legend of the figure. No additional explanation is necessary.

P1.6 The commentor's reference to "permanent disturbance" in Table ES-2 is incorrect. The length and associated acreages have no relationship to disturbance; they are provided in the table to indicate ROW within BLM lands.

Reference to disturbance can be found under the table heading "Land Disturbance Within BLM ROW (subheading) Temporary." Acreages within BLM ROW have been recalculated as 12.1. Temporary disturbance has been recalculated as 48.3 acres. The corrected Temporary Acreages for the project should total 236.4 acres. The corrected temporary acreages disturbed due to pipeline installation and total temporary acreages for the project result in minor modifications those pages identified by the commenter. Detailed engineering will result in precise lengths and acreage determinations and will be included as part of a project Construction, Operations, and Maintenance Plan, should the alternative be selected.

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P1.7 The commentor's reference to "permanent disturbance" in Table ES-3 is incorrect. The length and associated acreages have no relationship to disturbance; they are provided in the table to indicate ROW within BLM lands.

Reference to disturbance can be found under the table heading "Land Disturbance Within BLM ROW (subheading) Temporary." Acreages within BLM ROW have been recalculated as 13.8. Temporary disturbance has been recalculated as 55.1 acres. Adjustments to temporary land disturbance also has been made as a result of comments received from Kern River Gas Transmission Company (refer to Response to Comments, O2.1) in which additional corridor width and temporary use areas resulted in an additional 12.7 acres. The corrected Temporary Acreages for the project (using adjusted values for the water supply pipeline and the natural gas supply pipeline) should total 278.9 acres. The corrected temporary acreages disturbed due to pipeline installation and total temporary acreages for the project result in minor modifications those pages identified by the commenter. Detailed engineering will result in precise lengths and acreage determinations and will be included as part of a project Construction, Operations, and Maintenance Plan, should the alternative be selected.

P1.8 The correct water supply pipeline length and area of temporary disturbance for the Goodsprings Plant Site is approximately 10.0 miles and 48.3 acres, respectively. Detailed engineering will result in precise lengths and acreage determinations and will be included as part of a project Construction, Operations, and Maintenance Plan, should the alternative be selected.

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P1.9 The correct water supply pipeline length and area of temporary disturbance for the Primm Plant Site is approximately 11.4 miles and 55.1 acres, respectively. Detailed engineering will result in precise lengths and acreage determinations and will be included as part of a project Construction, Operations, and Maintenance Plan, should the alternative be selected.

P1.10 The DEIS states on page 5-3 that "Telecommunications would be provided through installation of an additional cable within the existing Bighorn telecommunications corridor." Also, on page 5-7 (Table 5-1) the DEIS states "Installation along the existing Sprint Communications lines in use by Reliant. No routing required." Text on page 6-1 discusses the use of existing access roads and telecommunications rights-of-way would be utilized and that telecommunications right-of way would not be needed in Table ES-3 and Table 6-3.

P1.11 The correct water supply pipeline length and area of temporary disturbance for the Goodsprings Plant Site is approximately 52,600 linear feet (10.0 miles) and 48.3 acres, respectively. Detailed engineering will result in precise lengths and acreage determinations and will be included as part of a project Construction, Operations, and Maintenance Plan, should the alternative be selected.

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plant on the east side of the UPRR to the west side of the UPRR. These values total 50,200 feet (9.5 miles) (40 ft wide along 10.9 mile corridor) or 46.1 (53) acres of temporary disturbance.

P1.12

Approved mixed-use development plan at Primm

RJ located the Clark County decision on the multi-use development proposed at Primm which was mentioned during the DEIS public hearing. The link to the Clark County Board of County Commissioners Notice of Final Action on the application (Item 22) is http://www.co.clark.nv.us/Comprehensive_planning/Current/FinalAction/Old_Final_Actions/080702bcc.htm The staff report with additional background will be sent by facsimile. The proposed insertions in the DEIS are as follows:

12) NS – Page 4-86 first para – add the following at the end:

"However, a mixed use development consisting of a 577 unit housing complex and associated commercial, recreational and open space uses has been approved at Primm to provide additional employee housing in the area for existing Primm resorts. (Clark County 2002) "

Add similar language to Page 5-135 – end of first paragraph.

P1.13

13) NS- Page 6-9, - end of first paragraph on Noise, insert

"Depending on the construction schedule for the housing development at Primm, similar impacts could be expected for the Primm site alternative."

P1.14

14) NS- Add para in the Cumulatives – Section 6.2.2 regarding approved multi-use development plan at Primm

P1.15

15) NS- Table 3-6 under "Other Factors" add:

"The site is closer to the proposed Ivanpah airport and an approved mixed-use development plan consisting of 577 housing units and associated commercial uses."

P1.16

16) NS- Add to References:

Clark County Board of County Commissioners Public Hearing ZC-0903-02-Primm South Real Estate Company, August 7, 2002.

P1.17

Other Comments:

17) RJ-Page 5-168, Figure 5-8. The stage height appears too high.

P1.18

18) RJ-Pages 5-175 and 5-176, Figures 5-15 and 5-16. These views are deceptive when compared to the Goodsprings site. The Primm site views appear smaller (the plant size is smaller) as compared to the Goodsprings site views where the plant appears larger, e.g., page 5-167, Figure 5-7.

P1.19

19) RC- In the Abstract, it is stated "[C]ultural resources and paleontological resource investigations are ongoing, therefore, a determination of potential impacts to such

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P1.12 Additional housing for Primm area casino workers will be on property that is owned and operated by casino operators. The majority of the area that is to be developed is currently occupied by recreational vehicles. The property greater than one mile from the probable plant site location (should Ivanpah Energy Center be located at the Primm site). The Reliant Bighorn Generating Facility is located partially between the housing area and the Ivanpah Energy Center plant site and would partially screen the Ivanpah Energy Center from the housing area.

P1.13 See Errata Sheet Section 6.

P1.14 Comment acknowledged.

P1.15 Comment acknowledged.

P1.16 Comment acknowledged. Refer to Section 7 Errata Sheet.

P1.17 Stack height shown on the simulations was developed from plant schematics provided by Diamond Generating. The stack height and other plant components were used on all simulations; topographic features consisting of plant height and land forms that screen the plant were taken from topographic maps. The simulation shown on Figure 5-8 is correct. No changes to simulations are required.

P1.18 The apparent size of objects differ primarily based on distance; distant objects appear smaller than closer objects. Other factors include the relationship of a given object to other objects in proximity. For example, in figures 5-15 and 5-16, the Reliant Bighorn Generating Facility appears larger than that of the Ivanpah Energy Center because the Bighorn Facility

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resources cannot be made." This statement is a clear admission that the DEIS is not complete, and the work should be completed or the statement should be modified. If the work is not done before the Final EIS, we suggest something like: "[C]ultural resources and paleontological resource investigations are ongoing, and will be completed prior to construction. Any necessary impact mitigations will be required by BLM stipulations."

If, in fact, the field surveys for cultural and paleo are completed and the results incorporated into the fina EIS, then this comment is moot.

NS – Also need to fix language on page 5-43, right column, last paragraph and page 5-44, right column, last paragraph based on final outcome of cultural and paleo issues in FEIS.

20) RC- In Section 5, "Environmental Consequences" the impact levels identified in the DEIS/EIS are defined as:

- Negligible – An impact is present, but the level of which is too small to quantify.
- Moderate – a measurable (quantifiable) impact is present.
- Significant – As defined in table 5-2 (Significance Criteria).

The two categories of "Negligible" and "Moderate" should be clearly identified as sub-categories of "Not Significant." However, these categories are not levels or degrees of insignificance, as explained below. The only difference is that one sub-category can be quantified and the other cannot.

P1.20

The use of the words "*but the level of which is too small to quantify*" in the definition of the "Negligible" level implies that the "Negligible" level of impact is smaller than the "Moderate" level. This is not the case. For example, an economic impact might be quantifiable in terms of dollars, and be insignificant, but would be classified as "Moderate" according to the methodology used in the DEIS. An impact on air quality could be quantifiable according to the applicable rules and regulations, and therefore categorized as "Moderate," but be clearly Insignificant according to those same rules and regulations. Other impacts, such as the temporary disturbance of a small area of habitat, could be clearly insignificant, but the impact of the disturbance on the habitat not quantifiable. Such an impact would be categorized as "Negligible" according to the DEIS methodology.

NEPA requires only the separation of impacts into those that are (or may be) Significant and those that are Not Significant. The terms "Not Significant" or "Insignificant" are absolutes.

The BLM should not concern itself with attempting to differentiate between, or make decisions based upon, categories of Insignificance. The categories of insignificance used in the DEIS/EIS are not different in term of magnitude of impact, only in their ability to be quantified. Our concern is that the seeming differentiation of levels of insignificance of impacts could improperly influence decisions.

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requires large cooling components that are not required by the Ivanpah Energy Center; thus, the Ivanpah Energy Center appears smaller.

Regarding Figure 5-7, the plant was simulated to scale with the surrounding topographic features using the same plant schematics and measurements used in DEIS Figures 5-15 and 5-16.

P1.19 The Abstract in the DEIS states: "Cultural resources and paleontological resources investigations are ongoing, therefore, a determination of potential impacts to such resources cannot be made." Other related references to cultural resources and paleontological resources are "It is currently unknown how many archaeological sites exist in the project area. However, before any construction would be allowed, a Class III cultural resources survey would be conducted for the area of potential effect." An explanation of compliance requirements under Section 106 of NHPA also is provided (Pages 5-43 and 5-132). Similar text regarding paleontological resources is provided in pages 5-44 and 5-132/133.

The fact that cultural resources and paleontological resources surveys have not been undertaken does not indicate that the DEIS is incomplete. Many projects proceed and a ROD is issued without such investigations, but with the stipulation that all cultural resources survey work (including sign-off by the SHPO) be completed prior to construction.

Since issuance of the Draft EIS, both paleontological and cultural field surveys have been completed. Results of the cultural and paleontological field surveys are discussed in Section 4 of this Final EIS.

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P1.20 "Negligible" and "Moderate" are terms used to provide the reader with a frame of reference. Although some subjectivity is inherently included in the use of such terms, they do not conflict with "significance" and are routinely used in NEPA documents. The phrase "…less than significant" or "…not expected to be significant" has been used throughout the DEIS to clearly indicate that significant impacts are not expected, except in the case of the desert tortoise. The phrase appears in 54 locations in the document – once in the Abstract, 13 times in the Executive Summary, 27 times in Section 5 (Impacts), and 13 times in Section 6 (Summary of Impacts/Cumulative Impacts). BLM is required to reduce the level(s) of impact(s) for all impacts; therefore, mitigation to reduce or avoid impacts, regardless of their severity, will be required.

In reference to the reviewer's comment, "The BLM should not concern itself with attempting to differentiate between, or make decisions based upon, categories of Insignificance… Our concern is that the seeming differentiation of levels of insignificance of impacts could improperly influence decisions." The decision makers (BLM) have the ability to fairly evaluate the Proposed Action and the alternatives and that the use of terms such as "negligible" or "moderate" will not result in confusion.

*Initials that precede comments refer to:

RJ – R.J. Johnson, Consultant to Diamond Generating
NS – Necy Sumait, ArkEnergy, Inc., Consultant to Diamond Generating
RC – Reese-Chambers, Inc., Consultant to Diamond Generating