



Board of Adjustment Staff Report

Meeting Date: January 5, 2023

Agenda Item: 8A

ADMINISTRATIVE CASE NUMBER:

WADMIN22-0025 (Ormat Geothermal Exploration)

BRIEF SUMMARY OF REQUEST:

Request approval of an administrative permit for the construction and drilling of up to 13 geothermal test wells.

STAFF PLANNER:

Mitch Markey, Planner
Phone Number: 775.328.2722
E-mail: mmarkey@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve an administrative permit for the construction and drilling of up to 13 geothermal test wells. The construction will involve improvements and grading of an access road and the grading of up to 13 well pads that are 2.1 acres. The project will have a maximum potential of 32 acres of ground disturbance including the access road improvements.

Applicant:	ORNI 26, LLC
Property Owner:	United States of America (BLM)
Location:	0 State Route 447 & 0 State Route 34
APN (Parcel Size (acres)):	071-150-09 (28,166), 071-220-18 (168.8), 071-220-19 (36.3), 071-220-23 (98.0)
Master Plan:	Rural
Regulatory Zone:	General Rural (GR)
Area Plan:	High Desert
Development Code:	Authorized in Article 808, Administrative Permits
Commission District:	5 – Commissioner Hermann



Vicinity Map

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN22-0025 for ORNI 26, LLC., with the conditions included as Exhibit A to this matter, having made all four findings in accordance with Washoe County Development Code Section 110.808.25.

(Motion with Findings on Page 10)

Staff Report Contents

Administrative Permit Definition 3

Site Plan 4

Project Evaluation 5

High Desert Area Plan 6

Reviewing Agencies..... 8

Staff Comment on Required Findings 9

Recommendation 10

Motion 10

Appeal Process 11

Exhibits Contents

Conditions of Approval Exhibit A

Agency Comments..... Exhibit B

Public Notice Exhibit C

Project Application Exhibit D

Environmental Assessment..... Exhibit E

Administrative Permit Definition

The purpose of an administrative permit is to provide a method of review for a proposed use which possess characteristics that requires a thorough appraisal in order to determine if the use has the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of Adjustment or the Hearing Examiner may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use, or to specify the terms under which commencement and operation of the use must comply. Prior to approving an application for an administrative permit, the Board of Adjustment must find that all of the required findings, if applicable, are true.

The conditions of approval for Administrative Permit Case Number WADMIN22-0025 is attached to this staff report and will be included with the action order.

The subject property is designated as General Rural (GR). The proposed drilling of geothermal test wells is addressed in Section 110.328.15 of the Washoe County Development Code (WCC). This is classified as a renewable energy use type which is permitted through a special use permit in the GR regulatory zone. A geothermal development project consists of all wells, access roads, surface equipment, facilities, pipelines, and electric transmission lines. In addition, WCC Section 110.438.35 (b)(1) states that a special use permit would not be required for earthwork performed by the subdivider or developer of an approved subdivision, or other projects that has completed a hearing process and review pursuant to which mitigation conditions could have been attached in the same manner as in the special use permit process. Therefore, an administrative permit is sufficient for the proposed project despite the volume of grading being proposed.

Project Evaluation

Ground Disturbance

The applicant is proposing to construct, operate, and maintain a geothermal exploration project on parcels approximately one mile northwest of Gerlach, NV on lands managed by the Bureau of Land Management (BLM). The project will include drilling and testing of up to 13 geothermal wells and associated roads. The exploration well sites will be graded, drilled, and evaluated one at a time with adjustments to subsequent well locations based on additional information obtained during the drilling of each well. Only those drill pads scheduled to be drilled will be cleared and graded.

Each well pad will be approximately 2.1 acres per pad with the actual dimensions varying slightly based on the physical and environmental characteristics of each site (Exhibit D, Sheet G2-D1). The shoulders of the pad are proposed to be reclaimed post-drilling, but the majority of the drilled pads are proposed to be kept clear for ongoing operations or the re-drilling of the well. The maximum disturbance due to grading and road improvements is proposed to be 32 acres with approximately 237,000 cubic yards of cut and 156,000 cubic yards of fill.

Washoe County Engineering and Capital Projects has reviewed the proposed grading and provided additional conditions in Exhibit A to mitigate grading impacts. These conditions include a bond requirement to ensure grading conditions are adhered to as well as reclamation standards. A seed mix approved by the BLM and the Washoe Storey Conservation District has been proposed to be used by the applicant for site revegetation.

Viewshed Analysis

Dark skies are an important resource within the project area as outlined in the High Desert Area Plan. The applicant prepared a Night Sky Baseline Report in March 2022 to analyze existing light resources in the project area and the impacts of the proposed project on the ambient nighttime light levels (Application, Section 3). The photo simulations identified three well pads within an area of interest (AOI) to take baseline photos to analyze impacts. It was determined that the additional light of a single operation drill rig at a proposed well pad will introduce temporary, localized sources of light to the project area.

The drill rigs will include lighting with shields to direct the light down toward the well pads. Lighting will also comply with dark skies standards by reflecting the light away from adjoining properties and minimizing the off-site glare. The temporary nature of this impact and the associated mitigation strategies reduces this impact and the project is in accordance with the High Desert Area Plan. Of note, the BLM determined that this project meets the agency's dark sky standards as noted in the Environmental Assessment (EA) finalized in 2022 (Exhibit E).

Water Resources

The project will use up to 35,000 gallons of water per day for well drilling. Grading, compaction, and dust control measures will require as much as 6,000 gallons of water per day, mostly during the first two months of construction. The water is proposed to be supplied from one or more shallow water wells from one of the proposed drill sites, a private ranch source, or as a bulk water purchase from the Gerlach GID. Additional water resources impacts are related to the potential of commingling of geothermal fluids with underground aquifers if mitigation strategies are not taken.

The water resources requirements of the project have been reviewed by both Washoe County Water Rights staff and the NV Division of Water Resources (DWR) Staff. A condition has been provided by DWR staff requiring that water rights be obtained and provided to the department to support the water usage. Washoe County Water Rights also has provided comments identifying this requirement. In order to reduce the risk of commingling of geothermal fluids with underground

aquifers, the applicant proposes that well casing depths are a minimum of 200 feet below the ground and potentially deeper depending on site characteristics.

Wildlife Impacts

The proposed project expands into the base of the Granite Range. This area is known as a winter and springs migration corridor for mule deer, Pronghorn antelope, and big horn sheep. In addition, the project area is in a location known to be used during big horn sheep lambing season.

The noise and vehicular traffic associated with construction and operational activities have the potential to disrupt migratory patterns and big horn sheep lambing season. NV Division of Wildlife (NDOW) has reviewed the application and provided comments and conditions to mitigate some of these impacts. NDOW recommends that road construction and drilling cease from April 15 – June 30 in areas north of Highway 447 to avoid impacts to bighorn sheep during lambing season. NDOW proposes to conduct site visits during this time to ensure that activities are not occurring that would adversely affect big horn sheep populations during this time period.

High Desert Area Plan

The subject parcel is located within the High Desert Area Plan. The following are the pertinent policies from the Area Plan:

Relevant Area Plan Policies Reviewed

Policy	Brief Policy Description	Complies	Condition of Approval
HD 2.5	Any lighting proposed must show how it is consistent with current best practice “dark-sky” standards. In subdivisions established after the date of final adoption of this plan the use of street lights will be minimized.	Yes	NA
HD.2.1 3	The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.	Yes	NA
HD.6.1	The Washoe County Departments of Community Development and Public Works will establish and oversee compliance with design standards for grading that minimize the visual impact of all residential and non-residential hillside development, including road cuts and driveways. See Policy HD.2.1 regarding grading under Goal Two.	Yes	The Washoe County Engineering and Capital Projects provided grading conditions in Exhibit A.
HD.6.4	County will review its revegetation policy, require	No	Grading conditions provided by Washoe County Engineering

	additional funds be set aside for revegetation, and mandate eighty percent (80%) reestablishment of vegetation prior to release of the bonds.		and Capital Projects address revegetation.
HD.10.2	Development in the High Desert planning area will comply with all local, state and federal standards regarding air quality	Yes	Washoe County Air Quality Management District has provided a condition in Exhibit A ensuring air quality standards are met.
HD.12.1	Prior to the approval of master plan amendments, tentative maps, public initiated capital improvements, or any project impacting 10 or more acres in the High Desert planning area, the Nevada Department of Wildlife will be contacted and given an opportunity to provide conservation, preservation, or other wildlife and habitat management input to the project.	Yes	Nevada Department of Wildlife has provided a condition in Exhibit A to mitigate impacts to big horn sheep populations in the Granite Range during lambing season.
HD.12.2	Any development that has the potential to negatively impact an established wildlife migration route or critical habitat, including but not limited to traditional mule deer migration routes, deer winter range, federally classified Threatened and Endangered Species and their associated habitat must demonstrate how that project will protect the integrity of the migration route or habitat.	Yes	Nevada Department of Wildlife has provided a condition in Exhibit A to mitigate impacts to big horn sheep populations in the Granite Range during lambing season.
HD.14.1	Washoe County will promote geothermal development, except where mitigation measures will not protect the existing air and water quality standards.	Yes	NA
HD.14.2	Washoe County will apply adequate standards to govern all phases of geothermal exploration and development, including the restoration of all such areas once the resource becomes nonproductive. a. The Washoe County Department of Community Development, in conjunction with existing or newly created public	Yes	Washoe County Engineering and Capital Projects has provided additional conditions related to geothermal development in Exhibit A.

	<p>and private agencies and individuals will identify and document standards for use of geothermal resources, disposal of any resulting waste, and reclamation of geothermal sites. Until such standards are available, the Washoe County Department of Community Development will review all proposals for geothermal resource development to encourage full use of the potential and to ensure that adverse environmental impacts are avoided.</p> <p>b. The Washoe County Department of Community Development will require the developer of geothermal resources to comply with local, state, and federal laws and regulations governing the disposal of geothermal fluids. Before approval is given for resource development, a disposal plan must be submitted to and approved by the Washoe County Board of County Commissioners.</p>		
<p>HD.16.4</p>	<p>Water rights shall be dedicated to Washoe County, in accordance with Article 422 of the Washoe County Development Code and the High Desert Area Plan, for all parcel maps and subdivision maps, as well as all new civic, commercial and industrial uses in all hydrographic basins; with the additional water rights dedication for all maps of divisions into large parcels within the Honey Lake Basin.</p>	<p>Yes</p>	<p>Nevada Division of Water Resources provide condition that this project has dedicated water rights in Exhibit A.</p>

Reviewing Agencies

The following agencies/individuals received a copy of the project application for review and evaluation.

Agencies	Sent to Review	Responded	Provided Conditions	Contact
Natural Resources Conservation Service	X			
BLM - Winnemucca Dist. Office	X			
Bureau of Mining & Reclamation	X			
Environmental Protection	X			
NDDW (Wildlife)	X	X	X	Katie Andrie, kmandrie@ndow.org
NV Water Resources	X	X	X	Steve Shell, sshell@water.nv.gov
Washoe County Building & Safety	X			
Washoe County Engineering & Capital Projects	X	X	X	Rob Wimer, rwimer@washoecounty.gov
Washoe County Land Development (All Apps)	X			
Washoe County Sewer	X			
Washoe County Water Resource Planning	X			
Washoe County Water Rights Manager (All Apps)	X	X	X	Timber Weiss, tweiss@washoecounty.gov
WCHD Air Quality	X	X	X	Genine Rosa, grosa@washoecounty.gov;
WCHD Environmental Health	X	X		
Regional Transportation Commission	X			
Washoe-Storey Conservation District	X			
Gerlach GID	X			

All conditions required by the contacted agencies can be found in Exhibit A, Conditions of Approval.

Staff Comment on Required Findings

WCC 110.808.25 requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the administrative permit request. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the High Desert Area Plan.

Staff Comment: The proposed use is permitted within the General Rural regulatory zone with the approval of an administrative permit. The High Desert Area Plan encourages geothermal projects within this area and provides additional policies to ensure that the projects are developed to minimize impacts on the High Desert Area. The project implements best management practices to ensure consistency with the policies of the Master Plan and High Desert Area Plan. In addition, conditions have been provided to reduce these potential impacts even further and support the policies found within the High Desert Area Plan.

- (b) **Improvements.** That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements

are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.

Staff Comment: Access to the proposed well pad sites will mostly utilize existing roads but new roads will be necessary. There are a proposed 3 miles of roads with a total disturbance of 4.4 acres. The roads will be constructed to BLM standards. No utility services are anticipated to be required for this project. Drainage conditions have been provided by Washoe County Engineering and Capital Projects.

- (c) Site Suitability. That the site is physically suitable for type of development, i.e. geothermal exploration, and for the intensity of such a development.

Staff Comment: The project area is an area that is identified as having geothermal potential. The applicant currently holds active geothermal leases with the BLM further supporting this claim. Well pads are located in areas that are generally flat, however, some proposed sites do have slopes from 15-30%. The grading and drainage conditions provided by Washoe County Engineering and Capital Projects help mitigate impacts associated with the well pad development and road construction. Well pads are also proposed to be designed specific to the topography of each site which will minimize but not eliminate the visual impacts of grading on hill sides.

- (d) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Staff Comment: The proposed project will not be detrimental to the public health, safety, and welfare. The well pads will be fenced per BLM standards to keep public off site. Drainage requirements ensure that grading impacts are localized to the project site and do not disturb adjacent private properties. The character of the surrounding area will be impacted by the grading, noise, and light produced during the construction and drilling operations. The applicant has used best practices such as revegetating reclaimed portions of the well sites and using light shielding to minimize the impacts. However, there is an inherent permanent disturbance of a site once being tested for geothermal potential which cannot be mitigated. Additional conditions provided by staff and partner agencies attempt to address these concerns, but not all concerns, such as noise impacts are able to be completely mitigated.

Recommendation

After a thorough analysis and review, Administrative Permit Case Number WADMIN22-0025 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN22-0025 for ORNI 26, LCC, with the conditions included as Exhibit A to this matter, having made all four findings in accordance with Washoe County Development Code Section 110.808.25:

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the High Desert Area Plan;
- (b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements

are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

- (c) Site Suitability. That the site is physically suitable for type of development, i.e. geothermal exploration, and for the intensity of such a development;
- (d) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety, or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant.

Applicant: ORNI 26, LLC, Attn: Kim Carter
kcarter@ormat.com

Property Owner: Bureau of Land Management, Attn: Mark Hall
mehall@blm.gov

Representatives: Wood Rodgers, Inc., Attn: Stacie Huggins
shuggins@woodrodgers.com



Conditions of Approval

Administrative Permit Case Number WADMIN22-0025

The project approved under Administrative Permit Case Number WADMIN22-0025 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on January 5, 2023. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the approval of this administrative permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this administrative permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the administrative permit may result in the initiation of revocation procedures.

Operational conditions are subject to review by the Planning and Building Division prior to the renewal of a business license each year. Failure to adhere to the operational conditions may result in the Planning and Building Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

Washoe County reserves the right to review and revise the conditions of approval related to this Administrative Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “conditions of approval” are referred to as “operational conditions.” These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies:

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**

Any conditions set by the Health District must be appealed to the District Board of Health.

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Building Division

1. The following conditions are requirements of the Planning and Building Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Mitch Markey, Planner, 775.328.2722, mmarkey@washoecounty.gov

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this administrative permit.**
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit. Planning and Building shall determine compliance with this condition.
- c. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- d. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- e. Construction hours are 7am to 7pm Monday through Saturday.
- f. The following **Operational Conditions** shall be required for the life of the business:
 - i. This administrative permit shall remain in effect until or unless it is revoked or is inactive for one year.
 - ii. Failure to comply with any of the conditions of approval shall render this approval out of conformance and subject to revocation.
 - iii. All landscaping and irrigation systems shall be maintained at all times to conform with the Landscaping Section of the Washoe County Development Code for the life of the business, including the replacement of dead plants, trees, shrubs and all ground cover.
 - iv. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative permit to meet with Planning and Building to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative

permit shall notify Planning and Building of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

- v. This administrative permit shall remain in effect as long as the business is in operation and maintains a valid business license.

Washoe County Engineering and Capital Projects

- 2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Robert Wimer, PE, 775.328-2059, rwimer@washoecounty.gov

- a. The applicant/developer shall obtain from CSD – Planning and Building, a building/grading permit for construction of this project.
- b. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- c. For construction areas larger than 1 acre, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- d. The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
- e. Applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site.
- f. Exported materials shall not be sold without the proper business license.
- g. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- h. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- i. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.

Drainage (WCC 110.416, 110.420, and 110.421):

- a. The FEMA 100-year floodplain, floodway and/or shaded X boundaries with associated flood elevations shall appear on the site plan to the satisfaction of the County Engineer. Building permits for structures and fill in these areas shall be in conformance with the Washoe County Code Article 416.
- b. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the County Engineer.

- c. The following note shall be added to the construction drawings; “All properties, regardless of if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties.”

Washoe County Water Rights

3. The following condition is a requirement of the Water Rights Division, which shall be responsible for determining compliance with this condition.

Contact Name – Timber Weiss, PE, 775.954-4626, tweiss@washoecounty.gov

- a. Appropriate waivers from the Nevada State Engineer shall be obtained prior to drilling the proposed exploration wells per NAC 534.444 and provide the approved waivers from the DWR to the County.

Washoe County Air Quality Management District

4. The following condition is a requirement of the Washoe County Air Quality Management District which shall be responsible for determining compliance with this condition. Any violation of this condition shall be reported to the Washoe County Air Quality Management District.

Contact Name – Genine Rosa, Senior Air Quality Specialist, 775.784.7204, grosa@washoecounty.gov

- a. Any dust generating activity, regardless of size of disturbance, will be subject to the Washoe County District Board of Health Regulation Governing the Air Quality Management Division, 040.030 Dust Control. Except when engaged in commercial agricultural operations, no person may disturb the topsoil by removing, altering, or overlaying the ground cover through scraping, burning, excavating, storing of fill, application of palliative, or any other method on any real property unless reasonable precautions are taken to prevent generation of dust during both the active development phases and thereafter.
- b. If disturbance will be greater than 1 acre then a Dust Control Permit will be required prior to breaking ground, failure to do so may result in enforcement action resulting in a Notice of Violation with associated fines.

Truckee Meadows Fire Protection District

5. The following condition is a requirement of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with this condition.

Contact Name – Brittany Lemon, Fire Captain, 775.326.6079, blemon@tmfpd.us

- a. This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply. <https://tmfpd.us/fire-code/>

Nevada Division of Water Resources

6. The following condition is a requirement of the Nevada Division of Water Resources, which shall be responsible for determining compliance with this condition.

Contact Name – Steve Shell, Nevada Division of Water Resources, 775.684.2836, sshell@water.nv.gov

- a. Any water used on this project must be under permit issued by the Division of Water Resources.

Nevada Department of Wildlife

7. The following condition is a requirement of the Nevada Department of Wildlife, which shall be responsible for determining compliance with this condition.

**Contact Name – Katie Andrie, Nevada Department of Wildlife,
775.688.1145, kmandrie@ndow.org**

- a. No construction activities (road construction, drilling, etc.) during April 15 – June 30 in areas North of Hwy 447 (Wells 82-16, 18B-10, 68-9, 77-9, 75-9, 24-10, 15-10, 87-9, 82-16, 58-3, 66-3, 63-3, 71-3) to avoid impacts to bighorn sheep during the lambing season (see Exhibit B).

*** End of Conditions ***

From: [COOPER, CLIFFORD E](#)
To: [Markey, Mitch](#)
Subject: WADMIN22-0025 Ormat Geothermal
Date: Wednesday, November 16, 2022 9:53:00 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Mitch,

AT&T does not have any adverse comments to this project.

Thanks!

Cliff Cooper
MGR OSP PLNG & ENGRG DESIGN
AT&T NEVADA
ROW Office: 775-683-5282
E-mail: cc2132@att.com
TEXTING and DRIVING... It Can Wait.



INTEROFFICE MEMORANDUM

DATE: November 28, 2022
TO: Mitch Markey, Planner, Planning and Building Division
FROM: Robert Wimer, P.E., Engineering and Capital Projects Division
SUBJECT: WADMIN22-0025
APN 071-150-09, 071-220-18, 071-220-19, 071-220-23
Ormat Geothermal Exploration

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Engineering and Capital Projects Division recommends approval with the following conditions.

GENERAL CONDITIONS

Contact Information: Robert Wimer, P.E. (775) 328-2059

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
2. For construction areas larger than 1 acre, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
3. The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
4. Applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site.
5. Exported materials shall not be sold without the proper business license.



QUALITY
PUBLIC SERVICE



INTEGRITY



EFFECTIVE
COMMUNICATION

6. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
7. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
8. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Robert Wimer, P.E. (775) 328-2059

1. The FEMA 100-year floodplain, floodway and/or shaded X boundaries with associated flood elevations shall appear on the site plan to the satisfaction of the County Engineer. Building permits for structures and fill in these areas shall be in conformance with the Washoe County Code Article 416.
2. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the County Engineer.
3. The following note shall be added to the construction drawings; "All properties, regardless if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."



**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

November 29, 2022

Washoe County Community Services
Planning and Development Division

RE: Ormat Geothermal Exploration; Various APN's
Administrative Permit; WADMIN22-0025

Dear Washoe County Staff:

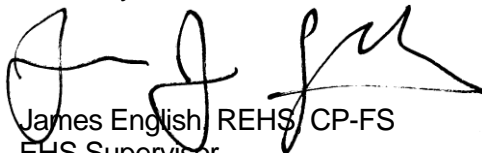
The following conditions are requirements of the Washoe County Health District, Environmental Health Division, which shall be responsible for determining compliance with these conditions.

Contact Name – James English - jenglish@washoecounty.us

- a) Condition #1: The WCHD has reviewed the application as submitted and does not have any concerns, comments or conditions for the proposed project.
- b) Condition #2: By definition, geothermal wells are not regulated for permitting or construction by the WCHD.

If you have any questions or would like clarification regarding the foregoing, please contact James English, EHS Supervisor at jenglish@washoecounty.us regarding all Health District comments.

Sincerely,



James English, REHS, CP-FS
EHS Supervisor
Environmental Health Services
Washoe County Health District

From: [Katie Andrlle](#)
To: [Markey, Mitch](#)
Subject: RE: Ormat Geothermal Exploration Project - Response Requested
Date: Friday, December 9, 2022 3:33:49 PM
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

I'm sorry I had a typo, the recommended seasonal timing restriction is **April 15 - June 30**, (Not June 1)...

From: Katie Andrlle
Sent: Friday, December 9, 2022 3:14 PM
To: Markey, Mitch <MMarkey@washoecounty.gov>
Subject: RE: Ormat Geothermal Exploration Project - Response Requested

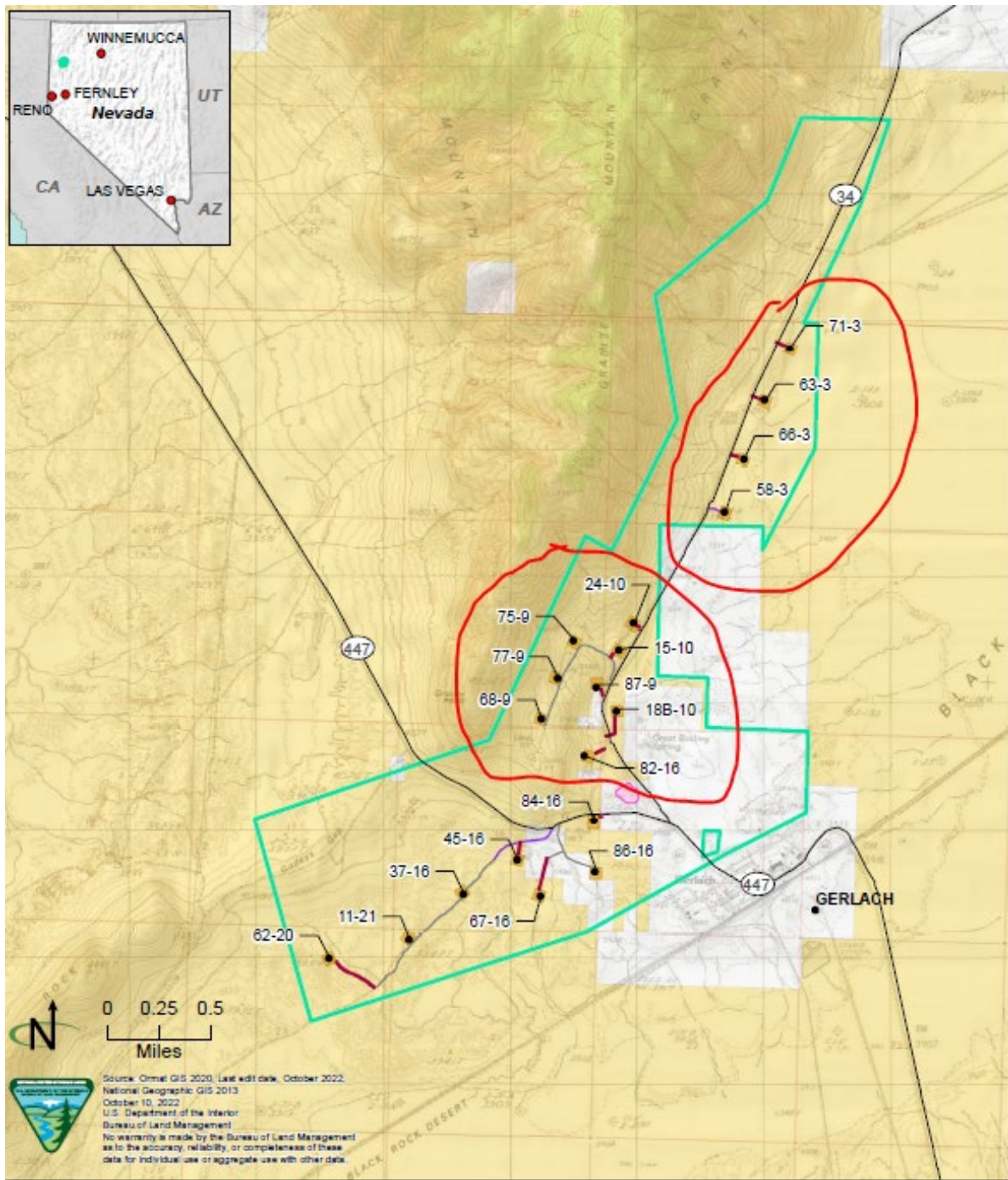
Hi Mitch,

I would say best case scenario, we would recommend:

1. No construction activities (road construction, drilling, etc) during April 15 – June 1 in areas North of Hwy 447 (Wells 82-16, 18B-10, 68-9, 77-9, 75-9, 24-10, 15-10, 87-9, 82-16, 58-3, 66-3, 63-3, 71-3) to avoid impacts to bighorn sheep during the lambing season (photo below).

This is the most important and most feasible recommendation. The avoidance during winter I think would be a bit harder to both accomplish and enforce, there would literally be no way we could do that. So it might not be worth the fight. We would periodically go out and check that they aren't drilling during April 15-June 1, that would be feasible for us.

Hope that helps, let me know if you need more clarification.



From: Markey, Mitch <MMarkey@washoecounty.gov>
Sent: Friday, December 9, 2022 11:59 AM
To: Katie Andrie <kmandrie@ndow.org>
Subject: RE: Ormat Geothermal Exploration Project - Response Requested

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Thanks, Katie. Additional details on the timing, timeline in the winter-spring, and potentially what congregating in the area means (how close to the project area or well pad would be considered too close) would be helpful. Also,

would NDOW be able to take on the responsibility of enforcing these conditions if the applicant was found to be in violation of them?

Best,



Mitch Markey

Planner, Planning & Building Division | Community Services Department

mmarkey@washoecounty.gov | Direct Line: 775.328.2722

My working hours: Monday-Friday 8:00am to 5:00pm

Visit us first online: www.washoecounty.gov/csd

Planning Division: 775.328.2722 | Planning@washoecounty.gov

CSD Office Hours: Monday-Friday 8:00am to 4:00pm

1001 East Ninth Street, Reno, NV 89512



Have some kudos to share about a Community Services Department employee or experience?

[Submit a Nomination](#)

From: Katie Andrle <kmandrle@ndow.org>
Sent: Thursday, December 8, 2022 2:32 PM
To: Markey, Mitch <MMarkey@washoecounty.gov>
Subject: RE: Ormat Geothermal Exploration Project - Response Requested

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They did not unfortunately.. I would be happy to provide more detail if you like if you think you would be able to incorporate these recommendations, that is truly appreciated!

From: Markey, Mitch <MMarkey@washoecounty.gov>
Sent: Thursday, December 8, 2022 1:56 PM
To: Katie Andrle <kmandrle@ndow.org>
Subject: RE: Ormat Geothermal Exploration Project - Response Requested

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Hey Katie,

No problem at all, I know how it goes. I appreciate the comments. Do you know if BLM adopted your timing restrictions and to cease operations if sheep or mule deer are present during the winter? If not, I will likely try to add that as a condition of the County's permit, but I need to clear it with legal first.

Best,

Mitch Markey

Planner, Planning & Building Division | Community Services Department

mmarkey@washoecounty.gov | Direct Line: 775.328.2722

My working hours: Monday-Friday 8:00am to 5:00pm



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CSD Office Hours: Monday-Friday 8:00am to 4:00pm
1001 East Ninth Street, Reno, NV 89512



Have some kudos to share about a Community Services Department employee or experience?
[Submit a Nomination](#)

From: Katie Andrie <kmandrie@ndow.org>
Sent: Thursday, December 8, 2022 1:22 PM
To: Markey, Mitch <MMarkey@washoecounty.gov>
Subject: RE: Ormat Geothermal Exploration Project - Response Requested

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Mitch,

Thanks for reaching out, I definitely missed this one. We have provided comments to the BLM during their NEPA process. The main concerns we have are how the exploration may affect movement and interactions between domestic sheep with bighorn sheep at the south end of the Granite Mountains. Any close interactions can put bighorn sheep at risk for contracting disease from domestic sheep. We also have concerns about overall disturbance including noise, drilling, increased vehicle use, etc., and the indirect impacts to not just bighorn sheep but to mule deer that reside in that area as well.

In our comment letter above, we recommended some minimization measures, primarily timing restrictions on the construction and drilling activities from April 15 to June 30 at the base of the Granites to reduce noise impacts during the lambing season; and to cease construction activities in winter and spring if bighorn sheep or mule deer have congregated in the area.

I apologize for missing this, unfortunately these sometimes get lost in the abundance of emails..

Please let me know if you have any other questions.

Thanks,



Katie Andrie, Western Region Supervising Habitat Biologist
Nevada Department of Wildlife
1100 Valley Road
Reno, Nevada 89512
(775) 688-1145
kmandrie@ndow.org

Support Nevada's Wildlife...Buy a Hunting and Fishing License

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From: Markey, Mitch <MMarkey@washoecounty.gov>
Sent: Thursday, December 8, 2022 12:52 PM
To: Katie Andrie <kmandrie@ndow.org>
Subject: Ormat Geothermal Exploration Project - Response Requested

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Good Afternoon Katie,

I'm wrapping up a staff report for an Administrative Permit for a geothermal exploration project near Gerlach. I noticed that NDOW didn't respond with any concerns regarding this project. I thought I'd reach out just to ensure that this is the case prior to noting that NDOW had no concerns in my staff report.

Any input is greatly appreciated, thanks!



Mitch Markey
Planner, Planning & Building Division | Community Services Department

mmarkey@washoecounty.gov | Direct Line: 775.328.2722

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1001 East Ninth Street, Reno, NV 89512



Have some kudos to share about a Community Services Department employee or experience?

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From: [Steve Shell](#)
To: [Markey, Mitch](#)
Subject: FW: November Agency Review Memo II
Date: Thursday, November 17, 2022 2:43:39 PM
Attachments: [Outlook-54vml1sk.png](#)
[Outlook-bam1r1ve.png](#)
[Outlook-eevodse.png](#)
[Outlook-mwt2d4y.png](#)
[Outlook-z3re5is5.png](#)
[Outlook-0xif3bqi.png](#)
[Outlook-oyqjru0u.png](#)
[Outlook-0eq0nwn.png](#)
[Outlook-f01gzwin.png](#)
[Outlook-vvybzrmy.png](#)
[November Agency Review Memo II.pdf](#)

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WADMIN22-025: Any water used on this project must be under permit issued by the Division of Water Resources.

As of June 1, 2021, the Office of the State Engineer is open to the public. Please call 684-2800 upon arrival and a representative will come down to escort you to our office.

Steve Shell
Nevada Division of Water Resources
775-684-2836

From: [Lemon, Brittany](#)
To: [Markey, Mitch](#)
Cc: [Way, Dale](#)
Subject: WADMIN22-0025 (Ormat Geothermal Exploration) Conditions of Approval
Date: Monday, November 28, 2022 11:10:01 AM
Attachments: [image001.png](#)

Hi Mitch,

“This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply.”

<https://tmfpd.us/fire-code/>.

A vegetation management plan in accordance with the adopted Wildland Urban Interface Code (WUI) Appendix B is required for this project.

Thank you,

Brittany Lemon

Fire Captain - Fire Prevention | Truckee Meadows Fire & Rescue

blemon@tmfpd.us | Office: 775.326.6079 | Cell: 775.379.0584

3663 Barron Way, Reno, NV 89511



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WASHOE COUNTY
COMMUNITY SERVICES
INTEGRITY COMMUNICATION SERVICE

1001 E. 9th St.
Reno, NV 89512
Reno, Nevada 89520-0027
Phone: (775) 328-3600
Fax: (775) 328-3699

November 16, 2022

TO: Mitch Markey, Planner, CSD, Planning & Development Division

FROM: Timber Weiss, Licensed Engineer, CSD

SUBJECT: Administrative Permit Case Number WADMIN22-0025 (Ormat Geothermal Exploration)

Project description:

The applicant is proposing to approve an administrative permit for the construction, operation, and maintenance, of up to 13 geothermal exploration wells in accordance with WCC 110.438.15. The proposed well sites are near the town of Gerlach, NV within existing federal geothermal leases managed by the BLM. The project area totals approximately 2,724 acres.

Location: West of Gerlach, adjacent to SR 447 and SR 34., APNs: 071-150-09, 071-220-18, 071-220-19, 071-220-23.

The Community Services Department (CSD) recommends approval of this project with the following Water Rights conditions:

Recommend approval, as this application proposes to comply with NAC 534.444. Please acquire appropriate waivers from the Nevada State Engineer prior to drilling the proposed exploration wells.

From: [Rosa, Genine](#)
To: [Markey, Mitch](#)
Subject: Administrative Permit Case Number WADMIN22-0025 (Ormat Geothermal Exploration)
Date: Tuesday, November 29, 2022 2:38:01 PM

Sorry I'm a day late...

Any dust generating activity, regardless of size of disturbance, will be subject to the Washoe County District Board of Health Regulation Governing the Air Quality Management Division, 040.030 Dust Control. Except when engaged in commercial agricultural operations, no person may disturb the topsoil by removing, altering, or overlaying the ground cover through scraping, burning, excavating, storing of fill, application of palliative, or any other method on any real property unless reasonable precautions are taken to prevent generation of dust during both the active development phases and thereafter if the property is to remain unoccupied, unused, vacant or undeveloped.

If disturbance will be greater than 1 acre then a Dust Control Permit will be required prior to breaking ground, failure to do so may result in enforcement action resulting in a Notice of Violation with associated fines. For Dust Control Permit questions call AQMD at 775-784-7200 or visit www.OurCleanAir.com.

P.S. – Please be sure to click the link below and sign up to receive air quality news, updates, public notices and more via e-mail.

Genine Rosa

Senior Air Quality Specialist | Air Quality Management Division | Washoe County Health District
grosa@washoecounty.gov | O: (775) 784-7204 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

*My work hours are M – Th 7am – 4:30 pm and Friday 7-11 am

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STEVE SISOLAK
Governor

State of Nevada

DEPARTMENT OF WILDLIFE

1100 Valley Road
Reno, Nevada 89512

Phone (775) 688-1500 • Fax (775) 688-1595

TONY WASLEY
Director

JORDAN GOSHERT
Deputy Director

JACK ROBB
Deputy Director

December 13, 2022

Mitch Markey
Planner, Planning & Building Division
Community Services Department
Washoe County
1001 East Ninth Street
Reno, NV 89512

Re: Gerlach Geothermal Exploration Project Administrative Permit WADMIN22-0025 – NDOW Recommendations

Mr. Markey;

The Nevada Department of Wildlife (Department) appreciates the opportunity to provide the Washoe County Planning Division comments and recommendations regarding the Gerlach Geothermal Exploration Project. The Department understands and supports multiple-use objectives on public rangelands with the hope that we can provide information and make recommendations that aid in the decision-making process.

Bighorn sheep occupy the area within and adjacent to the proposed geothermal project area year-around (Figure 1). The Department expects direct and indirect impacts to bighorn sheep from construction and implementation including noise, construction activities, increased vehicle traffic, habitat loss and fragmentation, etc. Due to the proximity of the proposed activities to bighorn sheep range and potential for negative impacts to the species, the Department is formally requesting that Washoe County apply the following seasonal timing restriction (where construction activities would be prohibited) as a condition to Administrative Permit WADMIN22-0025 to protect bighorn sheep during the sensitive lambing season:

- Seasonal timing restrictions (i.e., no construction or drilling activities) from Apr 15 – June 30 in areas North of Highway 447 to reduce noise impacts during the lambing season. This would include proposed wells 82-16, 18B-10, 68-9, 77-9, 75-9, 24-10, 15-10, 87-9, 82-16, 58-3, 66-3, 63-3, 71-3.

We appreciate the opportunity to comment and are hopeful that our comments can be incorporated to avoid and minimize impacts to wildlife and their habitats. Please let us know if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Katie Andrie".

Katie Andrie
Western Region Supervising Habitat Biologist
Nevada Department of Wildlife
(775) 688-1145
kmandrie@ndow.org

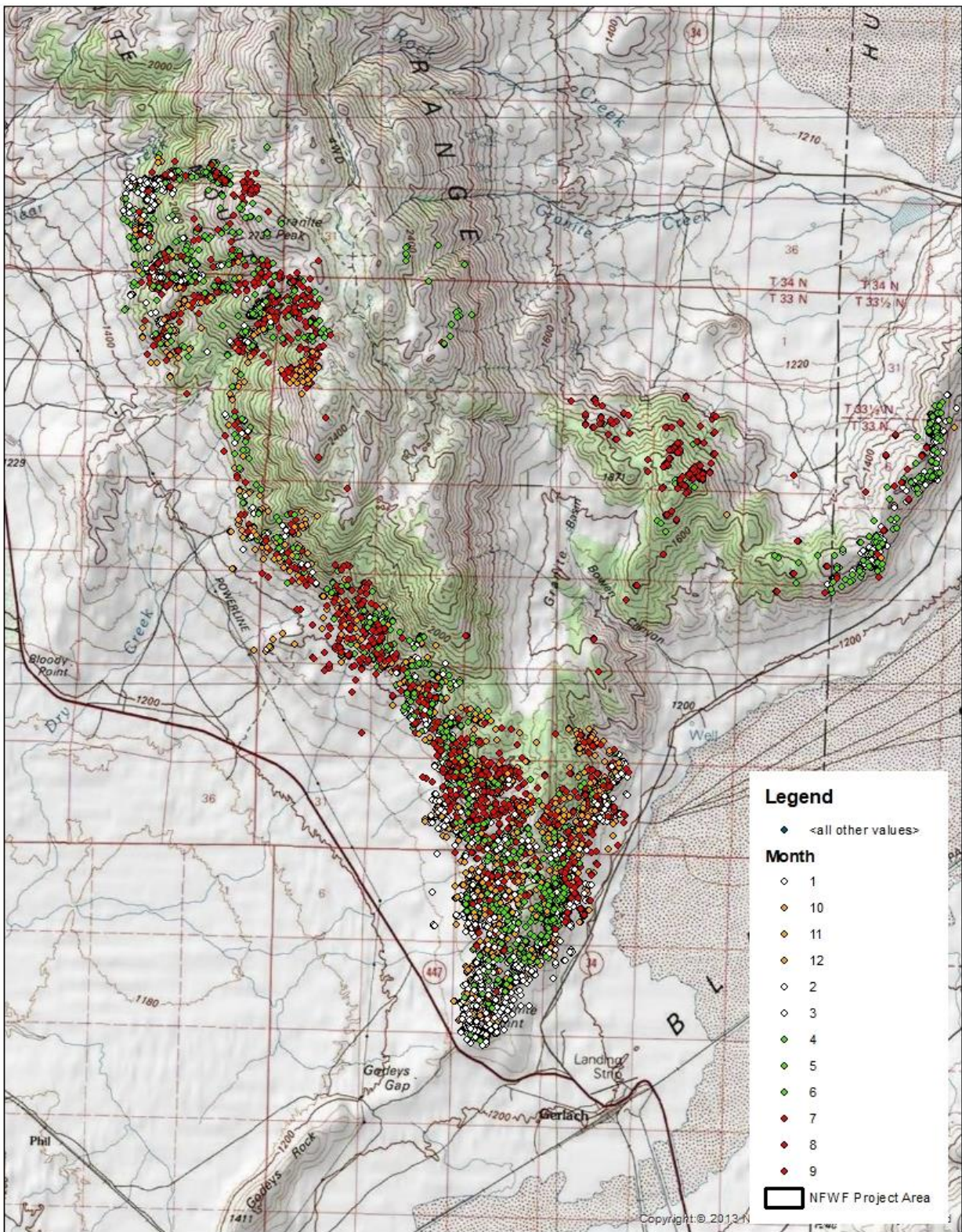
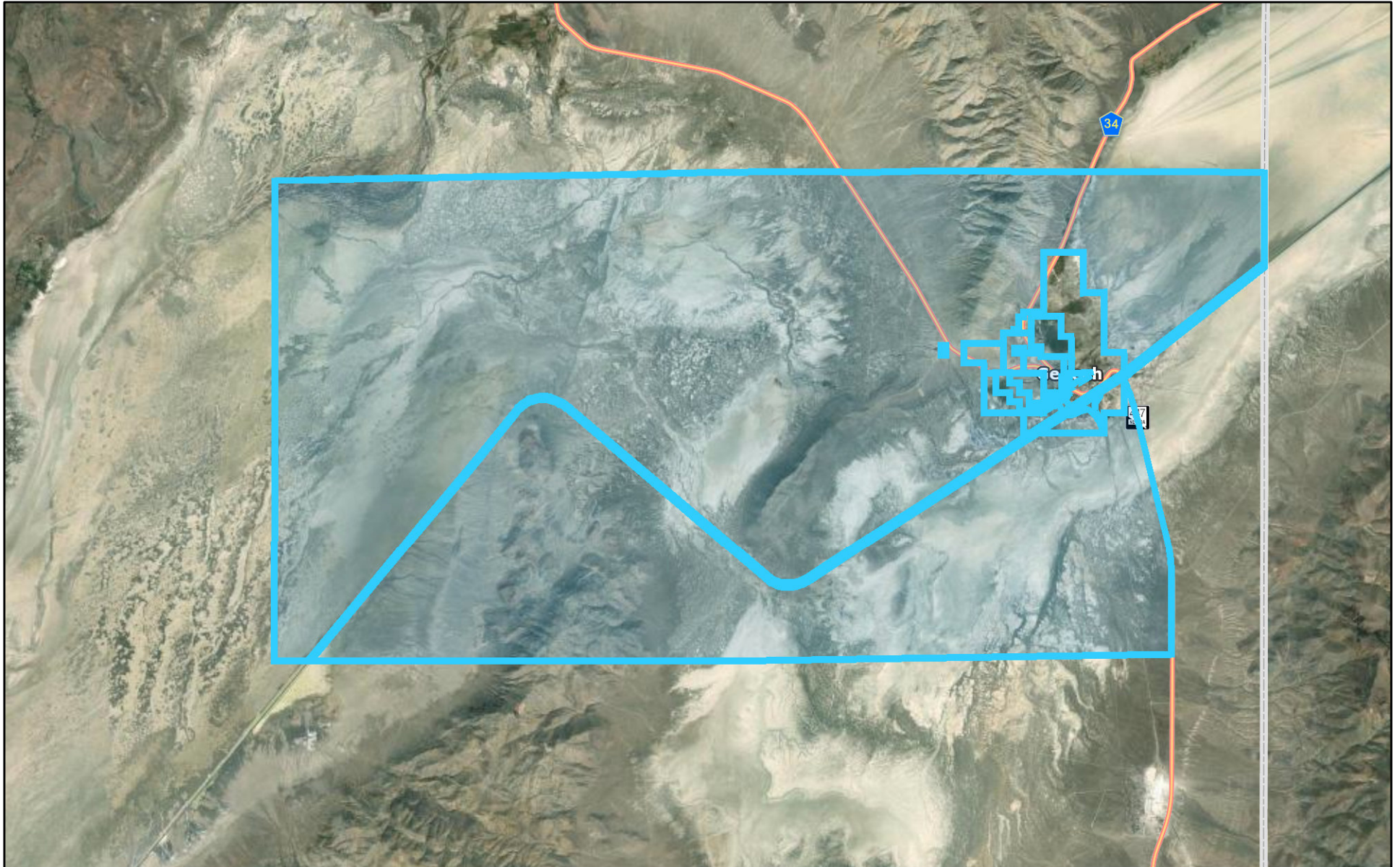
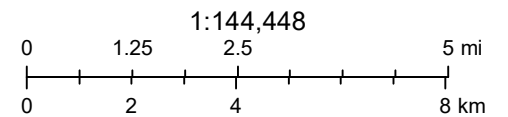


Figure 1 Collar data of bighorn sheep from 2017 to 2020 displayed by month (e.g. 1=January, 2 = February, etc.)

72 Parcels within 1,500 Feet



November 14, 2022



Washoe County GIS
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Exhibit D: Project Application

The technical reports submitted with the project application are extensive. To review the complete project application with technical reports, click [here](#). Or visit, https://www.washoecounty.gov/csd/planning_and_development/board_commission/board_of_adjustment/2023/files/WADMIN22-0025_ExhibitD_full_app

Exhibit E: Environmental Assessment

The submitted environmental assessment report is extensive. To review the complete assessment, click [here](https://www.washoecounty.gov/csd/planning_and_development/board_commission/board_of_adjustment/2023/files/WADMIN22-0025_ExhibitE_EA). Or visit, https://www.washoecounty.gov/csd/planning_and_development/board_commission/board_of_adjustment/2023/files/WADMIN22-0025_ExhibitE_EA