

## Great Basin Earth Science, Inc.



2241 East Bendemere Circle  
Salt Lake City, Utah 84109  
Phone (801) 599-2189  
Fax (801) 487-8473  
elips@gbearthscience.com

### MEMORANDUM

TO: Dan Galpern, Western Environmental Law Center  
FROM: Elliott W. Lips, P.G., Principal Engineering Geologist  
DATE: October 6, 2010  
RE: Observations of Construction Activities – Mesa Evaporation Ponds at NV Energy's Reid Gardner Station

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On October 4, 2010 I was present on the mesa south of the Reid Gardner Station, on BLM administered land. The time of my visit was between approximately 7:30 and 7:45 am. At this time I observed and photographed<sup>1</sup> the following:

1. Significant construction activities were taking place on the mesa in an area identified by the BLM (2008 EA) as the location of NVE's mesa evaporation ponds. My observations were made from the southern limit of the construction area.
2. At the time of my observations, there was no equipment operating, however the fresh tracks in the soils appear to be from dozers and scrapers.
3. Based on examination of tracks in the soils from the earth-moving equipment, I believe that these activities are recent (within the past few weeks).
4. The area of disturbed land as a result of the recent construction activities is approximately between 30 and 50 acres. This estimate is based on comparing my field observations and photographs to scaled drawings of the mesa area, which are on a photographic base map, and from measurements made on Google Earth.
5. The construction activities consisted of stripping and removal of topsoil and excavation and removal of underlying soils to a depth of about 10 feet. In addition, it is possible that material was being placed as fill on the lower (northern) portions of the construction site.
6. Because no equipment was operating at the time of my observations, I can not say where the excavated material was placed. I can not confirm that topsoil was being salvaged and stockpiled for use in later reclamation. I can not confirm that any material placed as fill in the lower portions of the construction area was being compacted.
7. It is my opinion that the recent construction activities are the first phases (site preparation and grading) in the construction of NVE's mesa evaporation ponds.

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<sup>1</sup> I can provide you with electronic copies of the photographs upon your request.