

**U.S. Department of the Interior
Bureau of Land Management**

**Documentation of Categorical Exclusion
DOI-BLM-NV-L030-2011-0007-CX
January 2011**

Badger Valley Climate Monitoring Station

**Lincoln County, NV
Desert Research Institute**

Caliente Field Office
Caliente, Nevada
Phone: 775 726-8100
Fax: 775-726-8111



Documentation of Land Use Plan Conformance and non-statutory Categorical Exclusion of Federal Action

A. Background

BLM Office: Caliente Field Office Lease/Serial/Case File No.: N-088167

Proposed Action Title/Type: Badger Valley Climate Monitoring Station

Location of Proposed Action: Legal Description:MDM T. 7 S., R. 60 E., sec. 29
UTM Reference Points: 11N 0652769m east 4130539m north

Description of Proposed Action: The Applicant, Desert Research Institute (DRI) is seeking a ROW from the BLM for the purpose of establishing a long-term climate-monitoring site. The purpose of the BLM action is to provide ROW access for the proposed site on BLM-administered public land.

The site will consist of a 10 meter tower, 20' x 20' enclosure area (or smaller) with a two meter precipitation monitoring tower. No rocks or large trees will be moved from the site. Installation operations will utilize only existing BLM designated routes to travel to reach the desired met tower site. Installation will disturb little or no surface soils. Potential bird/bird of prey perches will be minimized with bird spikes. Desert Research Institute archeologists and biologists have completed cultural and biological surveys of the site.

The project will be funded by a grant from the Department of Defense and operated by the Western Regional Climate Center (WRCC) a NOAA funded data archive center. The project will provide climate and weather information for use in environment and resource planning and use for monitoring long-term climate change in the Pahrangat Range. The data will be made available to NOAA/NWS for use in forecast and other modeling purposes. The data will also be made available for the public on a WRCC web site.

B. Land Use Plan (Plan) Conformance

LUP Name: Ely Resource Management Plan Date Approved/Amended: August 20, 2008

The proposed project is in conformance with the LUP, because it is clearly consistent with the following LUP decisions and/or goals and objectives:

Goals: Meets public, local, state, and federal agency needs for use authorizations such as rights-of-way, permits, leases, and easements while avoiding or minimizing adverse impacts to other resource values.

Objectives: To respond to public, local, state, and federal agency needs for land for community development, utility and other associated rights-of-way, communication sites, and other allowed uses of BLM-administered lands.

Caliente Categorical Exclusion Review Record

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR 46.210 (e) Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

I considered that the installation operations will utilize only existing BLM designated routes of travel to reach the desired weather monitoring station site and disturb little or no surface soils. The 25' x 25' footprint is minimal and limited to only what is needed for safe operations. The potential for impacts to public and private resources will be mitigated through stipulations issued with the proponent's Right-of-Way Grant and attached to this document (See Attachment A Stipulations).

D: Signature

Authorizing Official: /s/Victoria Barr _____ Date: 2/1/2011 _____
(Signature)

Name: Victoria Barr

Title: Field Manager, Caliente Field Office

Contact Person

For additional information concerning this CX review, contact Karen McAdams-Kunze at:
Karen_McAdams-Kunze@blm.gov.
Caliente BLM Field Office 775-726-8100

Caliente Categorical Exclusion Review Record

Badger Valley Climate Monitoring Site				
CX # -BLM-NV-L030-2011-0007-CX		Resource Specialist/ID	Y/N or (NP*)	Initials/Date
Would the Proposed Action:		Team Member		
Have significant impacts on public health or safety? (43 CFR 46.215 (a))		Melanie Peterson		
Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers*; national natural landmarks*; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments*; migratory birds; and other ecologically significant or critical areas? (43 CFR 46.215 (b)) *None within or near the Field Office.	Cultural/Historic Resources	Nick Pay	N	/s/NBP 1/27/11
	Recreation Lands			
	Park or Refuge Lands	-----	NP	-----
	Wilderness/WSA	Sam Styles		
	Drinking Water Aquifers	Mark D'Aversa		
	Prime Farmlands	Mark D'Aversa		
	Wetlands/Floodplains	Mark D'Aversa		
	Migratory Birds			
	ACECs/Cultural	Nick Pay		/s/NBP 1/27/11
	ACECs/Wildlife			
Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau? (43 CFR 46.215 (g))		Nick Pay	N	/s/NBP 1/27/11
Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species? (43 CFR 46.215 (h))		Andy Daniels	N	/s/ASP 1/27/11
Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)? (43 CFR 46.215 (j))		Sheri Wysong		
Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)? (43 CFR 46.215 (k))		Elvis Wall	N	See attached
Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)? (43 CFR 46.215 (l))		Cameron Boyce	N	1/27/2011
Concerns not Specifically Mentioned in the Extraordinary Circumstances				
Air Quality		Sheri Wysong		
Wastes, Hazardous or Solid		Melanie Peterson		
Forests and Rangelands		Domenic Bolognani	N	1/27/11
Other				

Elvis Wall/EYFO/NV/BLM/DOI

To Karen McAdams-Kunze/CFS/NV/BLM/DOI@BLM

08/24/2010 11:26 AM

cc

bcc

Subject

The following is a reply to the Scoping meeting this morning:

Native American Religious Concerns

There are no identified Native American traditional religious or cultural sites of importance within or adjacent to the proposed action. In addition there are no Indian Fiduciary Assets in the administrative boundaries of the Ely District.

Elvis Wall
Native American Coordinator
Ely District Office
(775) 289-1858



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Caliente Field Office

P.O. Box 237 (1400 South Front St.)

Caliente, Nevada 89008-0237

http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:

2800 (NVL0300)

N-088167

DECISION

Greg McCurdy

Climate Research Associate

Desert Research Institute

2215 Raggio Parkway

Reno, NV 89512

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FLPMA Title V

Right-of-Way

DOI-BLM-NV-L030-2011-0007-CX

It is my decision to approve the FLPMA Title V Right-of-Way and implement the Badger Valley Climate Monitoring Station as described in the *Documentation of Land Use Plan Conformance and non-statutory Categorical Exclusion of Federal Action* associated with the proposal. In accordance with 43 CFR 2801.10 (b), this Decision is in full force and effective immediately.

Background Information:

Scoping and Public Involvement:

An Interdisciplinary Team scoped the proposed action for extraordinary circumstances in the Caliente Field Office from August 12, 2010 to August 24, 2010. Team members determined that there would not be significant or otherwise unacceptable impacts to the resources and concerns identified in the attached *Extraordinary Circumstances Review Record*. In addition, the proposal would not:

Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]. (43 CFR 46.215 (c))

Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. (43 CFR 46.215 (d))

Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. (43 CFR 46.215 (e))

Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. (43 CFR 46.215 (f))

Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. (43 CFR 46.215 (i))

Rationale For Decision:

As determined on the associated *Documentation of Land Use Plan Conformance and non-statutory Categorical Exclusion of Federal Action*, the proposed action is in conformance with the Ely District Approved Resource Management Plan (August 20, 2008) and the qualifications of a categorical exclusion. No further environmental analysis is required based on review of the proposal and the 12 exceptions to categorical exclusions.

Appeal:

This decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management, Caliente Field Office, 1400 S Front St., Caliente, NV within 30 days of either receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Bureau of Land Management
Caliente Field Office
P O Box 237
Caliente, NV 89008-0237

The appeal may include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons may be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of appeal, statement of reasons, and all supporting documentation also must be sent to each party named in this decision and to the U. S. DOI Solicitor at the following address:

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

This decision will remain in effect during the appeal unless a petition for Stay is granted. If the appellant wishes to file a petition pursuant to regulations at 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, 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.

Approved By: /s/ Victoria Barr
Victoria Barr
Field Manager
Caliente Field Office

2/1/2011
Date