

U.S. Department of the Interior  
Bureau of Land Management  
Carson City District Office

**CATEGORICAL EXCLUSION  
ENVIRONMENTAL REVIEW AND APPROVAL**

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**Project Lead:** Dan Erbes

**Field Office:** Sierra Front

**Lead Office:** Sierra Front

**Case File/Project Number:** Pending

**Applicable Categorical Exclusion** (cite section): DM 516 F(9) Digging of exploratory trenches for mineral materials, except in riparian areas.

**NEPA Number:** DOI-BLM-NV-2011-C020-0502-CX

**Project Name:** Fey Luther Mineral Exploration Permit

**Project Description:** Lawrence Livermore National Laboratory under a grant from USGS is proposing to conduct earthquake hazard research along the Genoa Fault on public land in sec. 35 N½, T. 12 N., R. 19 E., Alpine County, California. The proposal is to excavate up to two trenches (100-foot long, 4-foot wide and 8-foot deep) near the mouth of Fay Luther Canyon. Total disturbance, including access and stockpile (topsoil and gravel) storage is anticipated to be less than 0.1 acres. The excavation areas will be fenced to preclude public access. The operator will travel overland to minimize disturbance. The duration of the project will be approximately one to two weeks. The operator proposes to complete the work during the winter or summer when visitation to the area is limited.

**Applicant Name:** Lawrence Livermore National Laboratory

**Project Location:** sec. 35 N½, T. 12 N., R. 19 E., MDMB, Alpine County, California

**BLM Acres for the Project Area:** 0.1 Acres

**Land Use Plan Conformance** (cite reference/page number): Encourage development of energy and minerals resources in a timely manner to meet national, regional and local needs consistent with the objectives for other public land uses (CRMP, 2001 [pg. MIN 1])

**Name of Plan:** NV – Carson City RMP.

**Screening of Extraordinary Circumstances:** The following extraordinary circumstances apply to individual actions within categorical exclusions (43 CFR 46.215). The BLM has considered the following criteria:

(Specialist review: initial in appropriate box)

<i>If any question is answered 'yes' an EA or EIS must be prepared.</i>	YES	NO
1. Would the Proposed Action have significant impacts on public health or safety?		DBE
2. Would the Proposed Action 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 (EO 11990); floodplains (EO 11988); national monuments; migratory birds (EO 13186); and other ecologically significant or critical areas?		ADC SC NC PZ DT - BLM Servs. Plant sp
3. Would the Proposed Action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA 102(2)(E)]?		DBE
4. Would the Proposed Action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		DBE
5. Would the Proposed Action establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		DBE
6. Would the Proposed Action have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?		DBE
7. Would the Proposed Action have significant impacts on properties listed, or eligible for listing, on the NRHP as determined by the bureau or office?		SC
8. Would the Proposed Action 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?		PZ DT - Please attach evidence
9. Would the Proposed Action violate federal law, or a State, local or tribal law or requirement imposed for the protection of the environment?		RCC
10. Would the Proposed Action have a disproportionately high and adverse effect on low income or minority populations (EA 12898)?		DBE
11. Would the Proposed Action 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 (EO 13007)?		SC
12. Would the Proposed Action contribute to the introduction, continued existence, or spread of noxious weeds or non-native 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 EO 13112)?		DT - Please attach rehab stipulations.

**SPECIALISTS' REVIEW:** During ID Team consideration of the above Proposed Action and extraordinary circumstances, the following specialists concurred with this CX:

Jo Ann Hufnagle, Lead Realty Specialist  
Arthur Callan, Outdoor Recreation Planner  
Nicole Culter, Hydrologist  
Steve Christy, Archaeologist  
Pilar Ziegler, Wildlife Biologist  
Dean Tonenna, Botanist - Natural Resource Specialist  
Brian Buttazoni, Planning & Environmental Coordinator

**CONCLUSION:** Based upon the review of this Proposed Action, I have determined that the above-described project is a categorical exclusion, in conformance with the LUP, and does not require an EA or EIS. A categorical exclusion is not subject to protest or appeal.

Approved by:

  
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Linda J. Kelly  
Field Manager  
Sierra Front Field Office

5/9/2011  
(date)

**Special Stipulations for Fey Luther Exploration Permit No. CACA-052755**

**Lawrence Livermore National Laboratory**

**within T. 12 N., R. 19 E., sec. 35 N½**

1. This authorization expires after 90 days. BLM may extend that authorization for an additional 90 days if an extension is deemed necessary.
2. You must submit your sampling and testing findings to BLM pursuant to 43 CFR 3601.30(b).
3. Surface disturbing activities associated with this permit must be monitored by an archaeologist with the BLM Sierra Front Field Office.
4. Permittee shall coordinate with the BLM at least two weeks prior to excavation activities so that the Forest Service and Carson Valley Trails Association may be notified in advance. Forest Service must also be contacted to obtain a key for access to the permitted trenching sites.
5. When previously undiscovered antiquities or other objects of historic or scientific interest including but not limited to historic or prehistoric ruins, vertebrate fossils, rock art (such as pictographs) or artifacts are discovered in the performance of this permit, the item(s) or condition(s) will be left intact and immediately brought to the attention of the authorized office of the BLM.
6. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.20). And, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
7. The upper 12- to 24-inches of overburden (growth medium) will be salvaged and stockpiled separately from the remaining overburden during trench excavation so that it may be placed over the re-graded trench backfill in reclamation.
8. Surface damage done by equipment during trench excavation will be reclaimed by filling in any ruts and recontouring the ground to its near original shape.
9. All trenches that are left open to be backfilled at a later date must be benched and fenced accordingly to limit public access and allow safe ingress and egress.
10. Permittee is responsible for disposing of any debris generated from these activities in accordance with state and federal regulations.
11. The operator shall be responsible for all costs of any wildfire resulting from its operations and practices.
12. The operator will be responsible for controlling all noxious weeds and other undesirable invading species. All equipment must be washed prior to and between excavation sites to minimize the potential for spreading noxious weeds and other undesirable invading species.