

# **V&T Railway Reconstruction Project Right-of-Way**

**NVN 060566**

## **Decision Record**

DOI-BLM-NV-C020-2011-0519-EA

**June 2012**



## **Background**

The *V&T Railway Reconstruction Project Supplemental Environmental Assessment* (EA) (DOI-BLM-NV-C020-2011-0519-EA) considers the direct, indirect and cumulative effects from the construction of new elements of the V&T Historic Railway Reconstruction Project through a portion of Carson City, Nevada. The project area is located entirely within Carson City, Nevada. The EA addresses changes to what was originally approved in 2003, and evaluated new elements proposed.

In 2003 the Federal Highway Administration (FHWA) and the Nevada Department of Transportation (NDOT) issued an EA and Finding of No Significant Impact (FONSI). At that time, two locations for a new interim depot site were proposed: one described as “Terminal A” at the intersection of US Highway 50 and Detroit Lane, and the second described as “Terminal B” at the intersection of Deer Run Road and Carson River Road. Neither of the interim depot sites are being considered any further due to development and public safety constraints. Instead, a new depot site is proposed for an area adjacent to the intersection of US Highway 50 and Drako Way. To connect to this new proposed site, a new 9,000 foot long segment of new track alignment would be constructed. In addition, a new optional segment of balloon track may be constructed to allow for use of an alternative interim depot site off of Flint Drive. An Interim Eastgate Station facility on BLM-managed land is also under consideration along with a utility corridor for sewer and other utilities to serve the Interim Eastgate Station.

The BLM has participated in the development of the Supplemental EA and upon the conclusion of this process would determine whether to issue a right-of-way (ROW) under Title V, Section 501(a)(7) of the Federal Land Policy and Management Act of 1976. The FHWA is the federal lead for the project. The Nevada Commission for the Reconstruction of the V & T Railway has submitted a ROW application to BLM for this project that includes approximately 21.27 acres for the Interim Eastgate Station and associated utilities on portions of the following BLM-managed lands:

Mount Diablo Meridian  
T. 15 N., R 20 E.,  
sec. 1, Lots 1 and 2 of the NE¼.  
T. 16 N., R 20 E.,  
sec. 36, SE¼SE¼.

Not all aspects of the proposal would occur on BLM-managed lands. The consideration of effects and decision-making process for the BLM is limited to the lands within its authority.

## **Land Use Plan Conformance**

The project is in conformance with the Carson City Field Office Consolidated Resource Management Plan (2001). Sections that specifically apply to BLM’s action include:

- LND-7, Administrative Actions #6. “Exchanges and minor non-Bureau initiated realty proposals will be considered where the analysis indicates they are beneficial to the public.”

- ROW-4, Administrative Actions #3. "...applicants of right-of-way grants...are subject to standard approval procedures outlined in the right-of-way applications (43 CFR 2800)..."

### **Public Involvement**

To meet the BLM's obligation under NEPA for public involvement, on October 1, 2011 along with NDOT and FHWA, the BLM released the draft EA and FONSI for 30-days public review and comment. NDOT published a news release and provided notification to the Nevada State Clearinghouse to State and local agencies. The public comment period ended on November 1, 2011. The BLM received no comments from the public or other agencies.

### **Authority**

The authority for the BLM to grant the ROW for BLM-managed lands involved in this project is found within the Section 501 of the Federal Land Management Policy Act of 1976 and BLM ROW regulations at 43 CFR 2800.

### **DECISION**

It is my Decision to implement the Proposed Action for BLM-managed lands and to amend the Nevada Commission for the Reconstruction of the V & T Railway's right-of-way to authorize the previously described elements of the V&T Railway Reconstruction Project. The authority for this Decision is Title V, Section 501(a)(7) of the Federal Land Policy and Management Act of 1976.



Leon Thomas  
Field Manager  
Sierra Front Field Office

7-5-12

Date

### **APPEAL PROCEDURES**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Leon Thomas  
Field Manager  
BLM, Sierra Front Field Office  
5665 Morgan Mill Road  
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the

Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals  
Dockets Attorney  
801 N. Quincy Street, Suite 300  
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior  
Office of the Regional Solicitor  
Pacific Southwest Region  
2800 Cottage Way, Room E-1712  
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.