

FINAL ENVIRONMENTAL ASSESSMENT FONSI and DECISION RECORD

Carson City Land Conveyance

DOI-BLM-NV-C020-2011-0518-EA

U.S. Department of the Interior
Bureau of Land Management
Carson City District
Sierra Front Field Office
5665 Morgan Mill Road
Carson City, Nevada 89701
775-885-6000

October 2012



It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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1.0 INTRODUCTION/PURPOSE & NEED

INTRODUCTION

Section 2601(b) of the Omnibus Public Lands Management Act of 2009 (OPLMA), Public Law 111-11, (Appendix A) requires the Secretary of Interior through the Bureau of Land Management (BLM), to convey certain federal lands to the Carson City Consolidated Municipality, Nevada (Carson City). The lands are identified in Figure 1 entitled “Carson City, Nevada Area,” dated November 7, 2008 are described as follows:

- the approximately 3,604 acres of Bureau of Land Management land identified on the “Carson City, Nevada Area” map as “Silver Saddle Ranch and Carson River Area;” and
- the approximately 1,848 acres of Bureau of Land Management land identified on the “Carson City, Nevada Area” map as “To Carson City for Parks and Public Purposes.”

OPLMA stipulates that not later than 180 days after the date the Secretary of Agriculture receives acceptable title to certain non-federal land from Carson City, the BLM shall convey all right, title, and interest of the United States in the above-described land to Carson City, subject to valid existing rights.

OPLMA also contains certain conditions for the conveyance to Carson City which include:

- deposit of \$375,000 in the Silver Saddle Endowment Fund by Carson City prior to conveyance of the Bernhard parcel (denoted in Figure 2); and
- reservation of a perpetual conservation easement to protect, preserve, and enhance the conservation values of the land identified as Silver Saddle Ranch and Carson River Area.

OPLMA also specified use of the land as follows:

Silver Saddle Ranch and Carson River Area

- be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat;
- be used for undeveloped open space, passive recreation, customary agricultural practices and wildlife protection; and
- *except* the City may construct and maintain trailhead facilities on the land, conduct projects on the land to reduce fuels, maintain or reconstruct any improvements on the land that were in existence on the date of enactment of OPLMA and allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

Parks and public purposes

- be managed by the city for undeveloped open space; and
- recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act).

OPLMA also provided that if land conveyed to Carson City is used in a manner inconsistent with uses specified, the land shall, at the discretion of the Secretary of Interior, revert to the United States.

PURPOSE & NEED

The purpose of the Proposed Action is to convey federal land to comply with and implement certain provisions of the OPLMA.

LAND USE PLAN CONFORMANCE STATEMENT

Section 2601(b) of the OPLMA specifically exempts the conveyance of these lands to Carson City from land use conformance pursuant to section 202 of FLPMA.

RELATIONSHIPS TO STATUTES, REGULATIONS, AND OTHER PLANS

The conveyance of the federal land to Carson City will be carried out in accordance with OPLMA. Allowable uses on the lands identified as “To Carson City for Parks and Public Purposes” will be consistent with the Recreation and Public Purposes Act of 1926 (43 U.S.C. 869 et seq.).

DECISION TO BE MADE

The Decision for the Authorized Officer would be to convey lands to the Carson City Consolidated Municipality. Not conveying the lands would be in non-compliance with the requirements of the OPLMA.

PUBLIC SCOPING

The BLM invited comments on the Proposed Action for a 30-day period to satisfy the need for public scoping under Section 106 of the National Historic Preservation Act (NHPA). Also to satisfy NHPA, the BLM conducted a public meeting on October 19, 2011 to invite comments on the Proposed Action. The BLM distributed a press release to regional media, and sent letters to interested organizations. Under the NHPA, the transfer of lands out of federal ownership could have an adverse effect to historic properties unless there are additional restrictions. This potential adverse effect would be resolved through a Programmatic Agreement (PA) that executed by the BLM, the State Historic Preservation Officer (SHPO), and the City and other parties on September 11, 2012 (see Appendix D).

2.0 PROPOSED ACTION AND ALTERNATIVE

PROPOSED ACTION

The BLM would convey approximately 3,604 acres of public land in the Silver Saddle Ranch, Prison Hill and Carson River area within Carson City, Nevada to Carson City for undeveloped open space, passive recreation, customary agricultural practices and wildlife protection, subject to the conservation easement contained in Appendix B. BLM would convey approximately 1,848 acres of public land in various locations throughout Carson City, Nevada to Carson City for parks and public purposes. Public purpose uses involve providing facilities or services for the benefit of the public in connection with, but not limited to, public health, safety or welfare. The public lands to be conveyed are shown in Figure 1 entitled “Carson City, Nevada Area.” A detailed legal description is included in Appendix C.

NO ACTION ALTERNATIVE

Under the No Action Alternative, the BLM would not convey the public lands to Carson City and would continue to manage these lands under applicable public land laws. This alternative

would not comply with the provisions of the OPLMA, and therefore, the No Action Alternative is not carried forward in this EA for further analysis.

3.0 AFFECTED ENVIRONMENT

This chapter identifies and describes the existing conditions and trends of elements or resources in the human environment which may be affected by the Proposed Action.

SCOPING AND ISSUE IDENTIFICATION

General Setting

All lands identified for conveyance to Carson City are located within the city limits of Carson City, Nevada, a community of approximately 50,000 residents which encompasses 146 square miles of land.

The area designated in the OPLMA as the “Silver Saddle Ranch and Carson River Area” (approximately 3,604 acres) is comprised of the following three general areas of public land:

Silver Saddle Ranch

Silver Saddle Ranch (Ranch) is located in Carson City between Prison Hill to the west and the Pine Nut Mountains to the east. The Ranch was acquired in a land exchange by BLM in 1997 for its combination of recreation potential, unique natural resources and its location. BLM subsequently acquired three small parcels of private lands adjoining the eastern boundary of the Ranch using funding from the Southern Nevada Public Land Management Act of 1998, as amended, (Public Law 105-263). This area is comprised of riparian areas along the river corridor, agricultural lands associated with the Ranch and uplands adjacent to the Prison Hill. Carson River Road (Highway 513) provides access to lands on the west side of the Carson River and Mexican Dam Road provides access to lands east of the river.

Prison Hill

Lands in the Prison Hill area, which include the Prison Hill Recreation Area, encompass around 2,500 acres of rugged terrain located west of Silver Saddle Ranch. Prison Hill overlooks two Nevada prison compounds - the Northern Nevada Correctional Center and Stewart Conservation Camp to the southwest, and the Nevada State Prison and Warm Springs Correctional Center to the northwest. The landscape includes rolling and sandy hills, and steep and rocky slopes which provide a scenic open space resource visible throughout most parts of Carson City. Carson River Road along the southeast and east perimeters of Prison Hill and Edmonds Drive along the western edge of the Prison Hill provide access to the lands.

Carson River

This area is located on the east side of Carson City, south of U.S. Highway 50, and is comprised of a 240-acre block of public land which includes the Ambrose Carson River Natural Area (ACRNA) and a five-acre isolated parcel of public land. The lands are adjacent to or near the Carson River, and in combination with lands owned by the City,

provide convenient public access to the river. The lands are accessed from Deer Run Road and Pinion Hills Drive.

The area designated in the OPLMA as “To Carson City for Parks and Public Purposes” (approximately 1,848 acres) includes a block of lands generally south of U.S. Highway 50 in the vicinity of Flint Drive and east of Deer Run Road extending to the Carson City/Lyon County boundary line, as well as certain lands north of U.S. Highway 50 in scattered locations near Centennial Park, Arrowhead Road, and Goni Road, and certain lands east of Prison Hill, including Edmonds Park. The lands have varied characteristics ranging from undeveloped, open space to developed recreational or other public facilities. The majority of the lands are part of a block of public land located near existing recreational or public facilities. Some of the smaller parcels of public land adjoin residential neighborhoods. Access to the lands is mainly from U.S. Highway 50, Flint Drive, Arrowhead Road, Goni Road and South Edmonds Drive.

SUPPLEMENTAL AUTHORITIES

Appendix 1 of BLM’s NEPA Handbook (H-1790-1) identifies Supplemental Authorities that are subject to requirements specified by statute or executive order and must be considered in all BLM environmental documents. The table below lists the Supplemental Authorities and their status in the project area. Supplemental Authorities that “may be affected” by the Proposed Action are further described in this EA.

Table 1. Supplemental Authorities.*

Resource	Present Yes/No	Affected Yes/No	Rationale
Air Quality	N		BLM’s action is to convey lands to Carson City, which is an administrative action. Although some recreational development would likely occur, analysis of impacts on air quality is too speculative to evaluate in this EA.
Areas of Critical Environmental Concern	N		Resource not present.
Cultural Resources	Y	Y	The federal action under NEPA is the conveyance of these lands, which is administrative in nature. However, under the implementing regulations of NHPA (36 CFR 800), conveyance of historic properties out of federal control is an adverse effect unless adequate and enforceable restrictions or conditions are in place to ensure long-term preservation of the property’s historic significance. The BLM, Carson City, and SHPO executed on September 11, 2012 a Programmatic Agreement, which would mitigate the adverse effects.
Environmental Justice	N		Resource not present.
Farm Lands (prime or unique)	N		Resource not present.
Floodplains	Y	N	Resource not affected by this administrative action.
Noxious, invasive plant species	Y	N	BLM’s action is to convey lands to Carson City, which is an administrative action. Although some recreational development would likely occur, how such development would affect the distribution of known weeds is too speculative to analyze.
Migratory Birds	Y	N	BLM’s action is to convey lands to Carson City, which is an administrative action. Although some recreational development would likely occur, impacts to migratory birds or their habitat are too speculative to evaluate in this EA.

Native American Religious Concerns	Y	N	On May 3, 2011 a letter was sent to the Washoe Tribe of Nevada and California inviting them to consult and participate in development of the PA. A face to face meeting was held between the BLM staff and Tribal Historic Preservation Officer on May 9, 2011. As a Concurring Party, the PA was signed by the Washoe Tribe of Nevada and California on September 24, 2012.
Threatened or Endangered Species (animals)	N		Resource not present.
Threatened or Endangered Species (plants)	N		Resource not present.
Wastes, Hazardous or Solid	N		Resource not present.
Water Quality (Surface/Ground)	Y	N	BLM's action is to convey lands to Carson City, which is an administrative action. Although some surface streams exist in the lands to be conveyed, and some recreational development is likely to occur, the City would be responsible for minimizing impacts to water quality.
Wetlands/Riparian Zones	Y	N	BLM's action is to convey lands to Carson City, which is an administrative action. Although some riparian areas occur in the lands to be conveyed, and some recreational development is likely to occur, the City would be responsible for minimizing impacts to riparian areas.
Wild and Scenic Rivers	N		Resource not present.
Wilderness/WSA	N		Resource not present.

**See H-1790-1 (January 2008) Appendix 1 Supplemental Authorities to be Considered.*

Supplemental Authorities determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.

Supplemental Authorities determined to be Present/May Be Affected may be carried forward in the document.

RESOURCES OR USES OTHER THAN SUPPLEMENTAL AUTHORITIES

The following resources or uses, which are not Supplemental Authorities as defined by BLM's NEPA Handbook (H-1790-1), are present in the project area. BLM specialists have evaluated the potential impacts of the Proposed Action on these resources and documented the findings in the table below. Resources or uses that "may be affected" by the Proposed Action are further described in this EA.

Table 2. Resources or Uses Other Than Supplemental Authorities.

Resource Issue**	or Present Yes/No	Affected Yes/No	Rationale
BLM Sensitive Species (animals)	Y	N	BLM's action is to convey lands to Carson City, which is an administrative action. Although some recreational development would likely occur, impacts to any BLM sensitive species or their habitat, if present, are too speculative to evaluate in this EA.
BLM Sensitive Species (plants)	Y	N	BLM's action is to convey lands to Carson City, which is an administrative action. Although some recreational development would likely occur, impacts to any BLM sensitive species or their habitat, if present, are too speculative to evaluate in this EA.
Fire Management	Y	N	Wildland fire management would be the responsibility of Carson City.
Forest Resources	N		Resource not present.

General Wildlife	Y	N	BLM's action is to convey lands to Carson City, which is an administrative action. Although some recreational development would likely occur, impacts to any general wildlife or their habitat, if present, are too speculative to evaluate in this EA.
Greenhouse Gas Emissions	Y	N	BLM's action is to convey lands to Carson City, which is an administrative action. Although there may be some development for recreational purposes, any contribution of greenhouse gas emissions from such development would be too speculative to analyze in this EA.
Land Use Authorization	Y	Y	Carried forward for analysis.
Lands with Wilderness Characteristics	N		Resource not present.
Livestock Grazing	Y	Y	Carried forward for analysis.
Minerals	Y	N	The BLM-managed lands to be conveyed to Carson City were previously withdrawn from location or entry under the general land laws, including the U.S. mining laws, but not those public land laws governing the use of lands under lease, license, or permit, or governing the disposal of their mineral resources (see Land Use Authorizations). BLM's action would include the transfer of all federal mineral interests to Carson City, subject to valid existing rights. Mineral use/development would not be affected by this conveyance.
Paleontological	N		Resource not present.
Recreation	Y	N	BLM's action is to convey lands to Carson City, which is an administrative action. Although consideration of effects to recreation is too speculative in this EA, one of the primary purposes of the land conveyances is to promote low intensity recreation opportunities and the conveyance of these lands is likely to benefit regional recreation opportunities.
Socioeconomics	N		Resource not present.
Soils	Y	N	BLM's action is to convey lands to Carson City, which is an administrative action. Although some recreational development would likely occur, impacts to soils are too speculative to evaluate in this EA.
Travel Management	N		Resource not present.
Vegetation	Y	N	BLM's action is to convey lands to Carson City, which is an administrative action. Although some recreational development would likely occur, impacts to any vegetation are too speculative to evaluate in this EA.
Visual Resources	Y	N	BLM's action is to convey lands to Carson City, which is an administrative action. Although some recreational development would likely occur, how such development would alter the visual quality of the area is too speculative to analyze.
Wild Horses and Burros	Y	N	Management of wild horses on federal lands would not change. The lands to be conveyed are not within a Herd Management Area. Wild horses that stray from federal lands onto lands conveyed to Carson City would be subject to removal by BLM, if requested by Carson City; consistent with handling of stray wild horses on other private lands in Carson City.

***Resources or uses determined to be Not Present or Present/Not Affected need not be carried forward or discussed further in the document.*

Resources or uses determined to be Present/May Be Affected may be carried forward in the document.

RESOURCES PRESENT AND BROUGHT FORWARD FOR ANALYSIS (All Resources)

The following resources are present in the area and may be affected by the Proposed Action.

Land Use Authorizations

A variety of uses have been authorized on the federal lands to be conveyed to Carson City. Authorizations include rights-of-way for utilities, access roads, state facilities, Nevada Department of Transportation material sites, and mill site claims. In addition, a number of recreation leases have been issued to Carson City on portions of these lands. A listing of BLM authorizations is contained in Appendix D. BLM has also periodically authorized short-term permits for recreational events on portions of the federal lands.

Livestock Grazing

The BLM-lands to be conveyed to Carson City overlap with the following two livestock grazing allotments:

- A portion of the lands are within the active Carson Plains/Gold Hill Allotment (Figure 3). Currently sheep grazing is permitted within the Allotment between April 1 and May 31 for a total of 535 animal unit months (AUMs) annually. The term of the permit is April 1, 2007 until March 31, 2017.
- The remaining lands are within the active Duck Hill Allotment (Figure 3). Currently sheep grazing is permitted within the Allotment between March 1 to June 30 for 172 AUMs and November 16 to December 15 for 14 AUMs. The term of the permit is March 1, 2006 until March 1, 2016.

There is no rangeland improvement system record of any improvements on the lands to be conveyed.

4.0 ENVIRONMENTAL CONSEQUENCES

When the BLM conveys the 3,604 acres of public land in the Silver Saddle Ranch, Prison Hill and Carson River area and approximately 1,848 acres of public land identified for parks and public purposes to Carson City, the lands would no longer be subject to federal laws specific to public lands and would no longer be managed for multiple public uses under the Federal Land Management Policy Act.

Land Use Authorizations

OPLMA specifies that the conveyance of lands to Carson City be subject to valid existing rights. Although administration of existing authorizations would be transferred from BLM to Carson City, the existing rights for use of the land would continue under the terms of the authorization unless the holder of the authorization and the City mutually agree to terminate or modify the authorization. Therefore, there would be no impacts to land use authorizations in effect at the time of land conveyance. Following conveyance, proposals for land use, including recreational events, would be subject to Carson City's permitting policies and procedures.

Livestock Grazing

Under the Proposed Action, portions BLM-managed lands underlying two active livestock grazing allotments would be conveyed to Carson City. The conveyance would result in a reduction of 930 acres of BLM-managed lands in the Carson Plains/Gold Hill Allotment, and a

reduction of 160 acres of BLM-managed lands in the Duck Hill Allotment. There would be no changes to the terms and conditions of the existing term livestock grazing permits.

5.0 CUMULATIVE IMPACTS

The cumulative effects area is the 5,452 acres of BLM-managed lands that would be conveyed to the Carson City. The timeframe for the cumulative effects would be indefinite. Although it is reasonable to expect that following conveyance to Carson City, certain of the lands may be developed for uses consistent with OPLMA, the amount of acreage to be developed and the actual development that may occur are currently unknown. All resource values have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible as a result of implementation of the Proposed Action.

6.0 MONITORING

The perpetual conservation easement for the land identified as Silver Saddle Ranch and Carson River Area provides for annual monitoring by BLM for oversight and enforcement of the easement.

7.0 PERSONS, GROUPS, AND AGENCIES CONSULTED

LIST OF PREPARERS

Bureau of Land Management

NAME	TITLE	PROJECT EXPERTISE
Jo Ann Hufnagle	Lead Realty Specialist	Land Use Authorizations
Brian Buttazoni	Planning & Environmental Coordinator	NEPA, Air Quality, Environmental Justice, Socioeconomics
Rachel Crews	Archaeologist	Cultural Resources, Native American Religious Concerns
Katrina Leavitt	Rangeland Management Specialist	Livestock Grazing

PERSONS, GROUPS, OR AGENCIES CONSULTED

Talbott Sheep Company
 Borda Land & Sheep Company
 Juan Guzman, Carson City Parks & Recreation Department
 Ronald James, State Historic Preservation Officer
 Wanda Batchelor, Chairwoman, Washoe Tribe of Nevada and California
 Nancy Santos, Friends of Silver Saddle Ranch
 Chris Sichtel, The Nature Conservancy
 Jennifer Pruitt, Carson City Planning Division
 Shaaron Netherton, Friends of Nevada Wilderness
 Nevada State Clearinghouse (multiple local and State agencies)

Public Review

On November 28, 2011 the Draft EA and FONSI were posted for public review and comment at the following website:

http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html. Hard copies were also made available at the Carson City District Office. Dear reader letters were sent to a total of 29 individuals or organizations (including those on the mailing list as an interested party for Section 106). The Draft EA and FONSI was also distributed to approximately 38 other State and local agencies. The public comment period closed on December 27, 2011.

Two comments were received through the Nevada State Clearinghouse, one from the Nevada Division of Water Resources concerning multiple active water rights in the vicinity of the lands to be conveyed, and a comment from Nevada State Lands concerning two existing land use authorizations and an interest in modifying the authorizations to permanent status. A third comment was received from the Carson City Municipality supporting the conveyance. A fourth comment was received from NV Energy concerning their existing right-of-way authorizations. Although these comments are noted, they did not result in modification or changes to the Proposed Action. Therefore, no substantive revisions were made content of the Draft EA.

8.0 Finding of No Significant Impact (FONSI)

FINDING

Based on the analysis of potential environmental impacts contained in the *Carson City Land Conveyance Environmental Assessment* (DOI-BLM-NV-C020-0518-EA), and considering the significance criteria found in 40 CFR 1508.27, I have determined that the Proposed Action would not have a significant effect on the human environment. An environmental impact statement is therefore not required.



Christopher J. McAlear
District Manager
Carson City District Office

10/23/2012
Date

9.0 DECISION

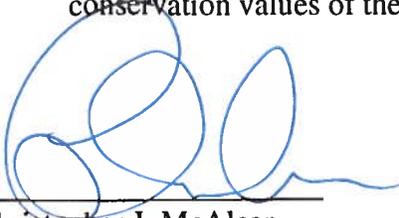
It is my Decision to implement this mandatory conveyance certain BLM-managed lands. Section 2601(b) of the Omnibus Public Lands Management Act of 2009 (OPLMA), Public Law 111-11, (Appendix A) requires the Secretary of Interior through the BLM, to convey certain federal lands to Carson City. The lands are identified in Figure 1 entitled "Carson City, Nevada Area," dated November 7, 2008 are described as follows:

- the approximately 3,604 acres of Bureau of Land Management land identified on the "Carson City, Nevada Area" map as "Silver Saddle Ranch and Carson River Area;" and
- the approximately 1,848 acres of Bureau of Land Management land identified on the "Carson City, Nevada Area" map as "To Carson City for Parks and Public Purposes."

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- o deposit of \$375,000 in the Silver Saddle Endowment Fund by Carson City prior to conveyance of the Bernhard parcel (denoted in Figure 2); and
- o reservation of a perpetual conservation easement to protect, preserve, and enhance the conservation values of the land identified as Silver Saddle Ranch and Carson River Area.



Christopher J. McAlear
District Manager
Carson City District Office

10/23/2012
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:

Christopher J. McAlear
District Manager
BLM, Carson City District
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.