

**Bureau of Land Management
Winnemucca District Office
Categorical Exclusion**

[x] HRFO (1000) [] BRFO (3000) [] District ()

CX#: DOI-BLM-NV-W010-2012-0004-CX	Date: 9/29/2011
File Code (43 CFR) : 43 CFR 6800	Lease / Case File / Serial #:
Project Lead Preliminary Review: Is the project located within a SG 75% BBDA (Sage Grouse 75% Bird Breeding Density Area)? No	

1. BLM District Office: Winnemucca District Office
2. Name of Project Lead: Celeste Mimnaugh
3. Project Title: Desert Bighorn Augmentation – East Range
4. Applicant: Nevada Department of Wildlife
5. Project Description: Nevada Department of Wildlife plans to augment the desert bighorn population in the East Range with 20-50 animals on or around November 6, 2011 as a continuing effort to ensure adequate numbers exist for a thriving population. The animals would be hauled by trailer to an appropriate location in Inskip Canyon for the release.

Project dimensions (length, width, height, depth): N/A Acreage: N/A

Will the project result in new surface disturbance? Yes No X

Has the project area been previously disturbed? Yes No N/A X. If yes, what percent of the project area has been disturbed? %. If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

6. Legal Description: T. 31 N., R. 36 E., sec. 18, 16 1/4 1/4
 T. N., R. E., sec. , 1/4 1/4

USGS 24k Quad name: Inskip Canyon

100k map name:

Land Status: BLM X Private Other

Part I: Plan Conformance Review

The proposed Action is subject to the:

- Paradise-Denio Management Framework Plan
- Sonoma-Gerlach Management Framework Plan
- Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

(The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): WL 1.25 identifies the East Range as a potential bighorn sheep range.(43 CFR 1610.5, BLM Manual 1617.3)).

Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

- 43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions *(formerly 516 DM2 Appendix 1)*
- 516 DM11.9, (BLM) A. Fish and Wildlife (5): “Routine augmentations, such as fish stocking, providing no new species are introduced”

ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	x
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	x	<input type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input type="checkbox"/>	x

Table 1. Special Status Species that may occur in the project area:

ESA	BLM	Common (<i>Scientific</i>) Name	May Be Affected?	Mitigation for BLM Sensitive Species (<i>Attach ESA Section 7 Compliance to Form</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Desert bighorn sheep	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	None needed. This action is to augment the existing population that was established under the Pershing County Bighorn Sheep Habitat Management Plan (HMP).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pygmy rabbits	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Greater Sage-grouse	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Several bat species	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Table 2 Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (<i>Scientific</i>) Name	May Be Affected?	Proposed Mitigation
Several species (see attached list)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Several raptors – including golden eagle, prairie falcon, great horned owl, red tailed hawk, burrowing owl	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

Mitigation Measures/Remarks

Sagebrush/Salt Desert Shrub Migratory Bird List

Migratory birds associated with sagebrush and salt desert shrub vegetative communities may include: black-throated sparrow (*Amphispiza bilineata*), Brewer's blackbird (*Euphagus cyanocephalus*), Brewer's sparrow (*Spizella breweri*), burrowing owl (*Athene cunicularia*), canyon wren (*Catherpes mexicanus*), gray flycatcher (*Empidonax wrightii*), green-tailed towhee (*Pipilo chlorurus*), loggerhead shrike (*Lanius ludovicianus*), rock wren (*Salpinctes obsoletus*), sage sparrow (*Amphispiza belli*), sage thrasher (*Oreoscoptes montanus*), western meadowlark (*Sturnella neglecta*), and vesper sparrow (*Pooecetes gramineus*) (Great Basin Bird Observatory, 2003).

Part III: DECISION: I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified above under the authority of Federal Land Policy Management Act (FLPMA) of 1976 (43 U.S.C. 1701 *et seq.*).

Section 102. [43 U.S.C. 1701] (a)(8) "The Congress declares that it is the policy of the United States that the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use."

Remarks reserved for authorized officer:

Authorized Official \s\ Michael Truden Date: 2/9/2012
(Signature)

Administrative Review or Appeal Opportunities:

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Michael Truden, Field Manager, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by §4.412 (b), and any arguments the appellant wishes to make. Form 1842-1 (enclosed) provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served

upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must 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.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).