

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

[X] HRFO (1000)	[ ] BRFO (3000)	[ ] District (     )
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<b>CX#: DOI-BLM-NV-W0-2012-0018 -CX</b>	<b>Date: 2-15-12</b>
Regulatory Authority (CFR or Law): CFR 2800	Lease / Case File / Serial #: 90733
BLM Manual: 2800	
Subject Function Code: 2800	
Project Lead Preliminary Review: Is the project located within a Sage Grouse 75% Bird Breeding Density Area? No	

1. BLM District Office: Winnemucca District Office
2. Name of Project Lead: Debbie Dunham
3. Project Title: Lovelock Meadows Water District Pipeline ROW
4. Applicant: Lovelock Meadows Water District

5. Project Description: (briefly describe who, what, when, where, why, how)  
 Lovelock Meadows Water District has applied for a right-of-way for installation of a water pipe line on the north side of Upper Valley road, a two lane paved NDOT highway, in Lovelock, Nevada to deliver fire protection water to the Coal Canyon area (where Eagle Pitcher Minerals has the bagging plant near the freeway). The Coal Canyon area does not currently have fire protection. They would like to co-locate with NDOT, who already has a right-of-way in this area. The NDOT highway would be returned to its existing state after installation. The water line is intended to be permanent. Construction time is anticipated to be three months from March 2012 to June 2012. No temporary areas would be needed for construction.

Project dimensions (length, width, height, depth): 2,004 feet long, 10 feet wide. 42" deep.  
Diameter of pipe 8" Acreage: 0.46

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

Has the project area been previously disturbed? Yes X No      N/A     . If yes, what percent of the project area has been disturbed? 100%. 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): All of the pipe and the 10 foot width requested right of way is within the area previously disturbed by NDOT. The pipeline would be placed 25' from the centerline of the paved road in the graveled shoulder on the north side of the road. The ROW and all disturbance associated with it would take place within the previously disturbed area.

6. Legal Description: T. 27 N., R. 32 E., secs. 4 and sec 8;

USGS 24k Quad name: Lovelock  
 100k map name: Lovelock

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Land Status: BLM  Private \_\_\_\_\_ Other \_\_\_\_\_

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**Part I: Plan Conformance Review**

The proposed Action is subject to the:

Paradise-Denio Management Framework Plan

Sonoma-Gerlach Management Framework Plan. This project would be in conformance with the land use plan because of Objective L-4, To provide lands for rights-of-ways on or across public lands.

Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

*(The Proposed Action has been reviewed for conformance with this plan (43 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) \_E. 12.\_

Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

**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.	<input type="checkbox"/>	X
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 type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

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<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	
			<input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	
			<input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	
			<input type="checkbox"/> No	

**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
	<input type="checkbox"/> Yes	
	<input 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	
	<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: See Attached Terms and Conditions*

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**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. Project authorization is subject to mitigation measures identified above.

Remarks reserved for authorized officer:

Authorized Official /s/ Michael Truden  
(Signature)

Date: 3-8-12

#### 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 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 4.47I(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.

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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)).