

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

**CATEGORICAL EXCLUSION
ENVIRONMENTAL REVIEW AND APPROVAL**

Project Lead: J. Hufnagle
Field Office: Sierra Front
Lead Office: Sierra Front

Case File/Project Number: NVN090459/2800

Applicable Categorical Exclusion (cite section): *516 DM 11.9 E. Realty* (12) Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

NEPA Number: DOI-BLM-NV-2012-C020-0022-CX

Project Name: Bodie Flat Road Access (Bank of New York)

Project Description: The Bank of New York has applied for a right-of-way for use of an existing road to access a private parcel of land currently under the Bank of New York's ownership. They have requested a right-of-way for access road purposes 4,788 feet in length and 50 feet in width (5.5 acres). There is an existing road within the proposed ROW alignment and the public lands involved in this application are entirely within existing access road ROWs NVN 076449 and NVN 057047 which were issued to other landowners in this vicinity. No new road construction or further surface disturbance is proposed. The ROW would be used for physical and legal access from US Highway 395 to private property.

Applicant Name: The Bank of New York Mellon

Project Location: T 12 N., R 21 E., sec. 31, E½E½E½. – Douglas County Approximately 7-8 miles south of Gardnerville, Nevada on the east side of US Highway 395

BLM Acres for the Project Area: 5.5 acres

Land Use Plan Conformance (cite reference/page number): **Lands and Realty Administrative Actions 3.** All applicants for right-of-way grants, whether or not they are within corridors, are subject to standard approval procedures as outlined in the right-of-way regulations (43 CFR 2802)/ROW-4

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? (project lead/P&EC)		JHT
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? (wildlife biologist, hydrologist, outdoor recreation planner, archeologist)		JHT RGC WC
3. Would the Proposed Action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA 102(2)(E)]? (project lead/P&EC)		JHT
4. Would the Proposed Action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? (project lead/P&EC)		JHT
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? (project lead/P&EC)		JHT
6. Would the Proposed Action have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? (project lead/P&EC)		JHT
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? (archeologist)		RGC
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? (wildlife biologist, botanist)		JHT RGC WC
9. Would the Proposed Action violate federal law, or a State, local or tribal law or requirement imposed for the protection of the environment? (project lead/P&EC)		JHT
10. Would the Proposed Action have a disproportionately high and adverse effect on low income or minority populations (EA 12898)? (project lead/P&EC)		JHT
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)? (archeologist)		RGC
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)? (botanist)		JHT

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

Jo Hufnagle, Realty Specialist
Arthur Callan, Outdoor Recreation Planner
Niki Cutler, Hydrologist
Rachel Crews, Archaeologist
Pilar Ziegler, Wildlife Biologist/BLM Sensitive Species - Wildlife
Dean Tonenna, Botanist - Natural Resource Specialist/BLM Sensitive Species - Plants
Brian Buttazoni, Planning & Environmental Coordinator

Although BLM Sensitive Species is not described in one of the 12 extraordinary circumstances question, review of the applicability of this CX has taken them into consideration.

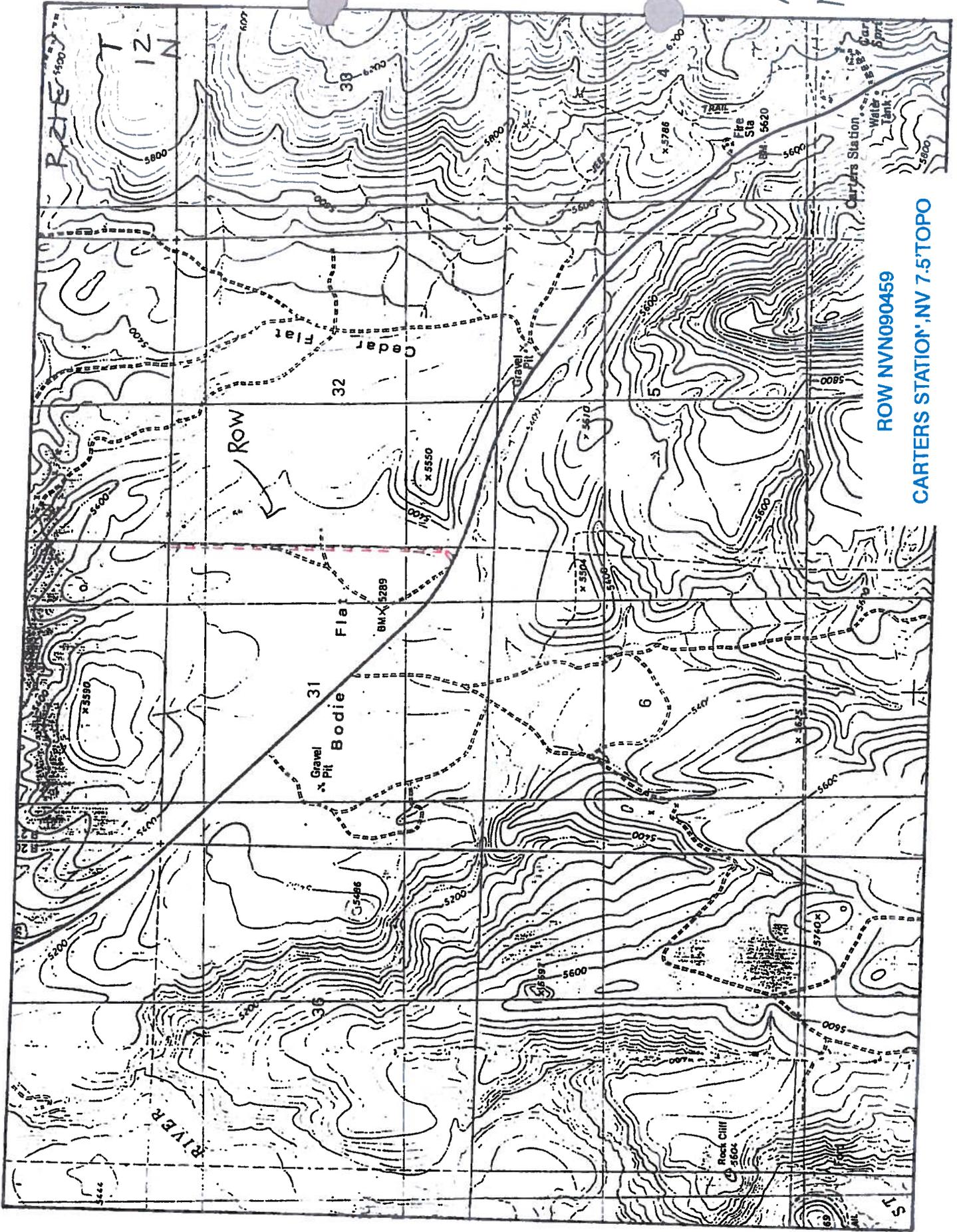
CONCLUSION: Based upon the review of this Proposed Action, I have determined that the above-described project is a categorical exclusion, in conformance with the LUP, and does not require an EA or EIS. A categorical exclusion is not subject to protest or appeal.

It is my decision to implement the action, as described and approve the ROW for a 30-year term, with right to renew, subject to standard terms, conditions and stipulations.

Approved by:

for James W. Schindler
Leon Thomas
Field Manager
Sierra Front Field Office

4/24/2012
(Date)



ROW NVN090459

CARTERS STATION, NV 7.5 TOPO