

# FINAL ENVIRONMENTAL ASSESSMENT

# Travis Farm Land Sale

# Decision Record

DOI-BLM-NV-C010-2012-0018-EA

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

DOI-BLM-NV-C010-2012-0018-EA

**DECISION RECORD  
TRAVIS FARM LAND SALE  
CHURCHILL COUNTY, NEVADA**

**Environmental Assessment  
DOI-BLM-NV-C010-2012-0018-EA**

**INTRODUCTION**

The Bureau of Land Management (BLM), Carson City District (CCD), Stillwater Field Office (SFO) proposes to implement the disposal of public lands through direct sale as authorized by federal regulations 43 CFR 2710 and 43 CFR 2711 to Travis Farm. The public lands that would be sold are adjacent to private lands owned by the Travis Farm within Edwards Creek Valley, Churchill County, Nevada. The land sale is made under the authority of Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 United States Code [USC] 1701, 1713, 1740). The BLM CCD manages public land that has been identified for disposal in the BLM Carson City Consolidated Resource Management Plan (CRMP); page LND-3 C. The Proposed Land Sale would consolidate land that is difficult to manage through transfer from federal ownership. The BLM would sell two (2) Subject Parcels (Parcels) totaling 800 acres of federal land. The BLM National Operations Center (NOC) in conformance with the Reclamation Act of 1902 provides that 5% of proceeds of sales of federal lands shall go to the State. This Act applies to a number of western states including Nevada. The 1902 Act provision conforms with the language in the 1861 State Enabling Act specific to Nevada. When BLM receives purchase monies from the Travis Land Sale the BLM financial system automatically distributes 5% of the proceeds into a fund that then is distributed to the State of Nevada. The sale of the public lands will be administered by the SFO.

The Parcels total approximately 800 acres are located in the eastern end of Edwards Creek Valley, Churchill County, Nevada, approximately 30 miles west of the town of Austin, Nevada. The Parcels are near the upper end of Edwards Creek Valley and are defined on the west and north by the Clan Alpine Mountain Range and on the east by the New Pass Range. Elevations for the Parcels range from 5,180 feet to 5,240 feet. The Parcels are sparsely vegetated with high desert scrub brush. Annual precipitation is 8 to 9 inches, mainly from snowfall, although seasonal thunderstorms are not uncommon. Temperatures in the area can range from an average low of 10° F (degrees Fahrenheit) in winter to a range of 90 to 100° F in summer (Chambers Group, Inc., 2010a).

The Proposed Action under Environmental Assessment (EA) DOI-BLM-NV-C010-2012-0018 (pages 6 and 7) analyzes the direct land sale of approximately 800 acres of public land under the jurisdiction of the BLM CCD to Travis Farm to increase the production of hay, other rotational crops and prevent fragmented land ownership and public land management challenges. Travis Farm currently owns and farms private land adjacent to the two Parcels. The Parcels consist of a northern and southern parcel. The northern parcel is legally described as the MDM, T. 21 N., R. 39 E., sec. 2, SW¼; sec. 3, SE¼; and sec. 10, NE¼, containing approximately 480 acres. The

southern parcel is legally described as the MDM, T. 21 N., R. 39 E., sec. 14, W½, containing approximately 320 acres.

## **BACKGROUND**

Travis Farm began discussions with the BLM SFO regarding the purchase of approximately 200 acres of land in 2004. In the intervening years Travis Farm requested the total acreage of the sale to increase to approximately 640 acres upon increased availability of irrigation water at the site. The BLM suggested that the SW¼ of sec. 14 (approximately 160 acres) be added to the Proposed Action. BLM regulations require the land to be sold at not less than fair market value, which will be determined by a BLM arranged and approved appraisal. Travis Farm also holds sufficient water rights to farm up to an additional 640 acres. Any additional water used on the described lands would be provided by an established utility or under permit issued by the Division of Water Resources, State Engineer's Office. All waters of the state belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS).

Travis Farm uses pivot irrigation farming. The fields are farmed on a 6 year rotational schedule with 5 years of hay development and one year of a rotational crop, such as triticale or other grain type crop. The Proposed Action would provide enough acreage to add four additional pivots and would potentially double the production of the farm while providing a more efficient use of existing resources (personal communication, Travis Farm, 2010). The only anticipated structures to be placed in the foreseeable future on the Parcels would be pivot irrigation infrastructure and fencing. Travis Farm would develop pivot irrigation farms on the northern parcel in its entirety. On the southern parcel, sec. 14, NW¼, would also have pivot irrigation, while the SW¼ would remain undeveloped in the foreseeable future (Figure 1). Any wells to supply the new pivots would be drilled on the existing property. The Subject Parcels would be entirely enclosed with fencing similar to the existing farm fencing (4 wires attached to 1 wooden post every 75 feet and 5 steel posts in between the wooden posts) (personal communication, Travis Farm, 2010).

A Notice of Realty Action (NORA) announcing the proposed sale was published in the Federal Register on August 23, 2010, followed by publication in local newspapers. The notice also segregated the land for a two year period from appropriation under the public land laws and the mining laws.

Announcement of the proposed sale was presented at the October 7, 2010, Churchill County Board of Commissioners meeting. This provided the Board of Commissioners the opportunity to review the Proposed Action and allowed the board and the public to provide comments regarding the proposed sale (Churchill County Board of Commissioners agenda, 2010).

The potential environmental impacts from the Proposed Action, No Action and other Alternatives were evaluated in EA# DOI-BLM-NV-C010-2012-0018-EA. Based on the analysis of potential environmental impacts detailed in the EA, it was determined that the impacts associated with the Proposed Action are not considered significant and therefore an environmental impact statement (EIS) will not be prepared. This is documented in the attached Finding of No Significant Impact (FONSI).

## **PUBLIC INVOLVEMENT**

A Notice of Realty Action (NORA) announcing the proposed sale was published in the Federal Register on August 23, 2010, followed by publication in local newspapers. The notice also segregated the land for a two year period from appropriation under the public land laws and the mining laws.

Announcement of the proposed sale was presented at the October 7, 2010, Churchill County Board of Commissioners meeting. This provided the Board of Commissioners the opportunity to review the Proposed Action and allowed the board and the public to provide comments regarding the proposed sale (Churchill County Board of Commissioners agenda, 2010).

Tribal consultation was conducted with The Fallon Paiute-Shoshone (correspondence 11/10/09, 5/28/10 and 9/7/10; face to face 2/24/10). No concerns were brought forward, however, in the event that human remains are discovered the tribe will be contacted per NRS 383.170 (appendix D).

The EA was scoped internally by BLM resource specialists in August of 2011. The EA was made available for a 30-day public review and comment period from May 9, 2012 until June 8, 2012. Notice of the EA's availability for review and comment was announced in local media, a dear reader letter sent to interested publics, through the website and to state agencies through the Nevada State Clearinghouse. The EA was made available by hard copy at the Carson City District Office and electronically on the District webpage at: [http://www.blm.gov/nv/st/en/fo/carson\\_city\\_field/blm\\_information/nepa.html](http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html).

During the public comment period, four comments were received from Nevada Division of Water Resources, the Nevada State Historic Preservation Office, the Nevada Division of State Lands and one member of the public. All comments received were reviewed and considered by the BLM Stillwater Field Office, Carson City District. These comments were not substantive in nature and no changes were made to the analysis in the EA. .

## **DECISION**

As a result of the analysis presented in the Travis Farm Land Sale EA# DOI-BLM-NV-C010-2012-0018-EA, and after carefully considering the comments and input received from the public, it is my decision to:

**Approve the Direct Sale of approximately 800 acres of public land in Edwards Creek Valley, Churchill County, Nevada to Travis Farm.** This management decision for the Travis Farm Land Sale is issued pursuant to 43 CFR 2711.3-3 and 43 CFR 2710.0-6.

The rationale for the attached FONSI supports this decision. The Proposed Action as described in detail in the EA has led to my decision that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not result. This decision is consistent with the 2001 Carson City Field Office Consolidated Resource Management.

## **RATIONALE**

Upon analyzing the impacts of the Proposed Action and following issuance of the EA for public review, I have determined that implementing the Proposed Action will not have a significant impact to the human environment and that an Environmental Impact Statement (EIS) is not required. Refer to the attached FONSI.

## **AUTHORITY**

The Proposed Action is in conformance with the Federal Land Policy and Management Act (FLPMA) of 1976, the CRMP adopted in 2001 and with current BLM policies, plans and programs. The Proposed Action is consistent in relationship to statutes, regulations and policies of neighboring local, County, State, Tribal governments and other Federal agencies.

The Proposed Action is in conformance with Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 United States Code [USC] 1701, 1713, 1740). The FLPMA sections authorizing the disposal of public lands through direct sale relative to the Proposed Action are as follows:

- FLPMA Section 203(a) (3) allows disposal through direct sale of public land if it will serve a public benefit. Disposal through direct sale of the Subject Parcels would serve the public benefit by making public lands available for community expansion and private economic development, increasing the potential for economic diversity, and adding to the municipal tax base, thereby adding revenue to the community for services such as schools and roads.
- FLPMA 203(d) requires that public lands be sold at no less than fair market value. The Subject Parcels would be appraised by a BLM approved appraiser to determine their fair market value.
- FLPMA 203(f) describes the allowable methods of sale. The public lands would be sold using the direct sale method as described by federal regulations at 43 CFR 2711.3-3.

When compatible with local government plans, federal lands should be made available for state, local government, and private uses. The FLPMA is the authority for the sale and Title 43 CFR § 2711.3-3 is the regulatory reference that describes how direct sales are conducted.

The Proposed Action is in conformance with the Carson City Consolidated Resource Management Plan Record of Decision (ROD) (pgs LND-2 and LND-3) which states:

- Desired Outcomes – “Transfer lands out of federal ownership that is uneconomic to manage or have been identified for community expansion or agricultural development and have little value for other resource uses.”
- Land Use Allocations 1. “Designate for potential future disposal approximately 185000 acres of BLM managed public lands, under jurisdiction of the CCFO, as a pool of lands which meet preliminary criteria for transfer from federal ownership. In general these lands are those where BLM management is not cost effective. To determine the land

tenure designation applicable to specific parcels of BLM managed public lands refer to map LND-1, Land Status, Disposal, Acquisition, Retention...

- o ...”C. Lands with possible agricultural potential (e.g. Smith Valley, mason Valley, Honey Lake Valley, and Edwards Creek).”

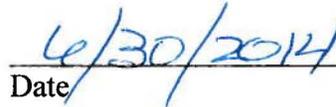
**APPROVAL**

The Travis Farm Land Sale EA DOI-BLM-NV-C010-2012-0018-EA is approved for implementation. This decision is issued in accordance with Title 43 of the Code of Federal Regulations (CFR) at 2700.

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et.seq.); Section 203 of the Federal Land Management Policy Act of 1976 (FLPMA), the BLM Carson City District CRMP of 2001 and 43 CFR Part 2700.



Teresa J. Knutson, Manager  
Stillwater Field Office  
Carson City District Office



Date

## **APPEAL PROCEDURES**

If you wish to appeal this decision, it 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:

Teresa J. Knutson, Stillwater Field Manager  
BLM, Carson City District Office  
5665 Morgan Mill Road  
Carson City, NY 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, therefore they will not be accepted.